

219 Pacific Highway, ARTARMON NSW 2064.

DA NO: DA-2010/654

DATE: 10-Nov-2010

LOCATION: 219 Pacific Highway, ARTARMON NSW 2064.

APPLICANT: ASX Operations Pty Ltd

OWNER: Gore Hill Developments No 1 Pty Ltd and Gore Hill Developments No 2 Pty Ltd and Gore Hill Developments No 3 Pty Ltd

PROPOSAL: Fit-out and occupation of Building B1 for purposes of a datacentre at approved Industrial Park, including minor building alterations.

DATE OF LODGEMENT: 14-Oct-2010

REPORTING OFFICER: Annie Leung

DESCRIPTION OF PROPOSAL

Development application seeks consent for Fit-out and occupation of Building B1 for purposes of a datacentre at approved Industrial Park, including minor building alterations.

Building B1 refers to the approved building at the north eastern corner of the site with access from internal service road, Spine Road.

The proposed alterations to the approved Building B1 primarily involve ancillary structures and screens associated with roof top plants and equipments as outlined below:

- 1. The increase in height of the previously approved external louvre perimeter screens on the roof.*
- 2. Relocation of the previously approved perimeter screens at the eastern end of the roof.*
- 3. An insulated colorbond metal roof, to protect weather sensitive equipment and electrical installations is proposed.*
- 4. Increase in height of the central division wall on the roof to 4.5 m forming a future tenancy separation including a 300 mm high wire security barrier atop the wall.*
- 5. A weather barrier to the lift / stair lobbies.*
- 6. Awning to the loading dock.*
- 7. Installation of two diesel fuel tanks 50000L under car parking area for emergency power generation*

The approved Building B1 has potential tenancy with two separate vehicular accesses off Spine Road and car parking areas, the proposed data centre seeks occupation that half of the building facing Building B/ the northern half of the building (except for full floor occupation on the first floor) as detailed in the submitted plans and outlined below:

Levels	Usage
Lower ground Floor & car parking area (RL91)	<ul style="list-style-type: none"> - Access driveway from Spine Road to open car parking area for 18 vehicles - Loading dock - Entry foyer - Security room - plant rooms and building services accommodation - Two new fuel tanks (50000L) under car parking area
Ground floor	Not part of the proposed occupation
Upper ground floor (RL97)	Office layout
First floor (full floor) (RL102.50)	Storage Hall
Second floor	Not part of the proposed occupation
Roof top (RL113.50 to RL 118)	Various plants and services including cooling units

The proposed operations will be 24 hours with visitors' access during normal business hours only. The primary use of the development relates to the data storage and processing relating to the Australian Stock Exchange. The submitted plans and statements show that the proposed operation employs approximately 150 people onsite. Approximately 50% of the employees are technical and operations personnel that are needed to maintain the datacentre in its 24 hours operations. Other personnel relates to the administration and finance support to the operation, including any emergency situation.

Neighbour Notification

The application was neighbour notified from 21 Oct 2010 - 4 November 2010. Council received no submissions.

Existing Building, Relevant History and Site Context

The subject building is part of an approved industrial park located on the corner of Campbell Street, and Pacific Highway. The approved industrial park comprises four distinct buildings/areas, generally identified as A, B, C & D, with a total floor space of 82,837.68m² over a site area of 46,874 m². The approved buildings range from 5 to 10 storeys in height. The industrial park contains a number of heritage items, but no items are located within development area B.

Development area B comprises of two approved buildings known as Building B and Building B1, which is located at the north eastern corner of the site. The subject building is Building B1, which is a purpose built datacentre. The eastern elevation of the building adjoins an electricity easement within the site, and a waste transfer facility at the adjoining property, and the south western elevation of the site adjoins North Sydney TAFE. The northern elevation of the site adjoins approved Building B, which is a sports and recreation facility.

Access to the building is from its western elevation via Spine Road, which is an internal service road leading from Campbell Street to Pacific Highway.

The industrial park is serviced by a shuttle bus that operates between St Lenard Station and the site as required by the Voluntary Planning Agreement relating to DA2008/42, and a Deed of Agreement on the title of the land.

The approved development, DA2008/42 is currently under construction with Building B1.

Delegations

The application has been referred to the Joint Regional Planning Panel pursuant to clause 13 B (1) (a) of the State Environmental Planning Policy - Major Development as the capital investment value exceeds \$10 million and the proposal is not a Part 3A development under the Environmental Planning and Assessment Act. However, the application satisfies the terms of the instrument of delegation (limitation on the exercise of the delegated functions) issued by the Minister and the Chair of the Sydney East JRPP on 24 Nov 2010 and valid until 30 September 2011 as outlined below:

- i) Council is not the applicant of the application;
- ii) The Council is not the owner of any land on the with the development is to be carried out;
- iii) The development will not be carried out by Council;
- iv) Council is not a party to any agreement or arrangement relating to the development. Noting the VPA and Deed of Agreement signed by Council for the Gorehill site relate to the approved development DA2008/42, but not the current application;
- v) No submissions were made by way of objection during the submission period for the application;
- vi) This assessment report recommends approval for the application subject to conditions of consent; and
- vii) The proposed development is wholly within land identified by para 3 point viii) of Schedule 2 of the instrument of delegation.

Additional Information

Council received the following additional information as requested by Council's letter to the applicant dated 15 Nov 2010.

- More details on the proposed use of mobile cranes
- Preliminary Hazard Assessment for the proposed installation of diesel tanks
- Green travel plan

Controls and Classification

- i) Willoughby LEP 1995: Yes
- ii) Conservation Area: No.
- iii) Zoning: 4(c) – Industrial Park
- iv) Applicable DCP (SEPPs, REPs): SREP (SHC), WDCP, SEPP 33, SEPP 55.
- v) Draft WLEP 2009: IN2 – Light Industry

Referrals

Environmental Health	No objection subject to recommended conditions of consent with respect to noise control and safe installation of UST and operation of the development.
Building	No objection subject to recommended standard conditions of consent
Engineering	Standard conditions of consent

ASSESSMENT

SEPP 33

The installation of the proposed underground fuel tanks is potentially hazardous development as defined by SEPP 33.

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application. The submitted preliminary hazard assessment report has been reviewed by Council's Environmental Health Officer, and found to be satisfactory.

The total capacity of the tanks is estimated to be less than 100 tonnes (1000 diesel litre is approximately 1 tonne dependent on storage temperature), and is well below the 2000 tonnes thresholds for designated development contained in Schedule 3(27) of the EP&A regulations, and scheduled activities as defined by Schedule 1(9) of Protection of the Environment (Operations) Act.

WLEP

Zone 4(c) Industrial Park & Specific Objectives (Clause 42C)

A data centre is considered a 'high technology industry', which is permitted within the 4(c) Industrial Park zone. The predominant activity of the proposed use involves the installation of computer servers for the processing and storage of data relating to the Australian Stock Exchange, and is consistent with the definition of *High Technology industry* contained in WLEP. These data servers and related equipments, including the proposed power backup diesel tanks cannot be easily accommodated in general commercial zones due to their required floor to ceiling height, floor loading, etc, and are considered suitable use in the industrial zone. The proposed data hall represents approximately 70% of the nett floor space of the subject tenancy.

high technology industry means an enterprise that has as its primary function the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software and hardware,
- (c) instrumentation and instruments,
- (d) production of film and television, including any post production,
- (e) biological, pharmaceutical, medical or paramedical systems, goods and components,
- (f) other goods, systems and components intended for use in science and technology or communications.

Clause 43 – Floor Space Ratio

The application does not involve increase of the FSR/GFA of the approved Building B1, which also excluded large area of plant rooms on lower ground (RL91.0) and upper ground level (RL96.0) in Building B1 on the basis that specific needs of a prospective tenant, (a data centre) will require additional power, plant and equipment. Condition 156 of DA 2008/42 refers to *the plant area on the lower ground level (RL91.0) and upper ground level (RL96.0) in Building B1 are designated for plant rooms to support the necessary building services of Building B1, and must not be used for any habitable purposes and industrial uses.* In this regard, the proposed occupation of the part of Building B1 is not inconsistent with the areas nominated as plants for the approved building works by DA2008/42.

Clause 43A Planning Principles for Zone 4(c)

The proposed development has been considered against the principles contained in this clause. The proposed development is not inconsistent with these principles as outlined below:

- The proposed building works are minor in nature and will not affect the overall urban design quality of the approved Building B1.
- The proposed development does not change the approved access arrangements.
- The proposal does not involve the increase of car parking spaces
- A Green Travel Plan has been submitted with the application.

Special controls – ABC Gorehill Site (Clause 46A)

Special provisions within Clause 46A(3) have since been incorporated into Part I7 of the WDCP.. (Please refer to assessment under WDCP) Other relevant provisions in Clause 46A include subclause 12 which restricts the height of all structures on the ABC Gore Hill site.

“(12) Despite any other provision of this plan, the Council must not consent to development on land to which this clause applies if the development will result in the erection of a building or other structure (including a temporary structure) having a height greater than that shown on the height control map for the relevant land.”

During assessment of the application, Council’s assessment officer notes that three rows of barb wire proposed over the fencing structure on the roof top. These wires are above the maximum height of RL118.00. The applicant has since been advised that the fencing must be amended to comply with the height control and will be dealt with by a condition on the consent. (**Condition 7**).

Draft WLEP2009

Council exhibited its Draft WLEP 2009 in March this year, which proposes the zoning of the site to be IN2 – Light Industries. High technology industry is not defined by Draft WLEP or the Standard Instrument. The objectives of IN2 in Draft WLEP are made no reference to high technology industries. It is considered that High Technology industries would fall within the definition of light industry in the Standard Instrument LEP and hence would be permitted in the draft WLEP 2009 in the IN2 zone.

***light industry** means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.*

The developer of the ABC Gore Hill site has made separation submission in response to the exhibition of the Draft WLEP, raising concerns over the proposed changing zoning of the site, and also the reduction of the number of permissible uses for the site resulting from the proposed zoning. The developer requested for a rezoning to B7 – Business Park.

Council's Strategic Planning Team has prepared various reports in response to the exhibition of and submissions to Draft WLEP to the Council Meeting held on 3 Nov 2010. Council's Strategic Planning section has reviewed the submission made by the developer and recommends no changes to the proposed IN2 zoning given that the current 4(c) Industrial Park zoning is based on the 4(b) Light Industrial zone with additional high technology land uses permissible. The proposed IN2 zoning encompasses both existing 4b) and 4c) zone (including areas near St Leonard Station). However, Council's Strategic Planning section supports additional uses for the site with respect to high technology industry, filming, laboratories, and timber and building supplies as permissible uses in the IN2 Light Industrial zone and includes a definition of high technology industry and laboratories. (See submission summary No 467 attached to Strategic Planning report for Council meeting held on 3 Nov 2010). The recommendations of the Strategic Planning for the site have since been adopted by Council. It is also noted that a consultation document produced by the Department of Planning titled Draft Potential Amendments to the Standard Instrument March 2010 also recommends the additional definition for High Technology Industry.

Based on the above, the proposed development being high technology industry is not inconsistent with the relevant provisions in Draft WLEP 2009.

WDCP

Parking, Servicing, and loading/unloading (Part C.4)

The proposed tenancy has 18 allocated car space located on the northern side of the building with access via Spine Road. The submitted documents refer to allocation as follows:

- *Three bays shall be used on a 24/7 basis by operational staff.*
- *Five bays shall be used by technology staff during normal operating hours.*
- *Ten bays shall be reserved for Senior Management in case of a BCP scenario.*
These bays may be assigned to delegates when not in use by Management.

The submitted plans and statements show that the proposed operation employs approximately 150 people onsite. Approximately 50% of the employees are technical and operations personnel that are needed to maintain the datacentre in its 24 hours operations. Other personnel relates to the administration and finance support to the operation, including any emergency situation. Based on the proposed demand, Council's officer requested that a Green Travel Plan must be submitted with the application to illustrate how the proposed number of staff can attend the site via alternative transport.

The submitted Green Travel Plan indicates that ASX has an Environmental Committee, and will provide measures to encourage the use of alternative transport. ASX indicates that no car parking has been provided to general staff at existing facilities. The selection of the site by ASX was based on satisfactory arrangement of public transport.

It is recommended that a more detailed Green Travel Plan, including any site management measures, including priority parking for car pooling be prepared prior to the occupation of the building. (**Condition 25 & 37**) It shall be noted that the proposed development, being occupation and fitout of an approved purpose built building for datacentre purposes is not

considered generate additional traffic than that considered under the approved development for the ABC Gorehill site.

The subject tenancy also has an approved loading dock with access from Spine Road.

ABC Site (Part I.7)

Tower & Helipads

Part I.7 of WDCP specifies detailed controls for redevelopment of the former ABC site. The proposed building works are minor in nature and are generally consistent with the controls contained in the WDCP specific for the site. During pre-lodgement discussions, Council's officers have raised concerns with respect to the potential interference and impacts of placing structures in close proximity to the adjacent transmission communications tower or the adjacent helipads during the construction period due to the proposed installation of roof top plants above the approved building will involve the use of mobile cranes extending above the maximum height prescribed for the site. During assessment of the application, Council's officer has requested that detailed specification and management of the use of mobile crane be submitted to illustrate the potential impacts. (ie. the maximum height of crane when in full extension, the time/duration the crane will be on site, etc).

The additional information received by Council on 30 Nov 2010 includes a statement prepared by FDC construction, including details on the maximum height and use of the mobile cranes and mobile concrete pumps, and their duration of use. The concrete pump will only be breaching the maximum height of RL 118 during pours of plinths for the roof plants. The mobile cranes will be use through out construction particularly towards the end fo the construction period of the building and before the commencement of internal fitout works. The use of the pumps above height limit is likely to be in periods of 1-3hours.

The cranes will periodically breach the height limit on instances of 4 hours durations. The maximum height of the proposed mobile crane will be RL156.5, and outside approved hours of construction, the crane will be parked in a retracted position.

The applicant has been encouraged to review this matter with adjoining properties to ensure there will be no interference with the operations of the Tower and helipad, and submit any written correspondence obtained from these adjoining properties. Whilst the applicant has not been able to obtain correspondence from the relevant adjacent occupiers/owners, these properties have been notified as part of Council's neighbour notification process. No submission has been received by Council.

Based on the above, it is recommended that the conditions be imposed to ensure the use and operations of construction equipments will not unreasonably affect the safety and operations of adjacent communication tower and helipads. These include confirmation on the maximum height of these equipments, notification process to affected properties prior to breaching height limits, and the adoption of a detailed material handling/ construction management plan. (**Conditions 10 & 19**)

EME

EME from the adjoining communication tower potentially affects occupation of buildings at the site. Previous studies undertaken for the ABC Gorehill site and approved development DA2008/42, the EME levels are below recommended safe limits. The applicant also submits that:

- the data centre will be enveloped by a faraday shield. The metal layers within the shield are grounded to dissipate any electric currents generated from electromagnetic fields, limiting the potential for interference.

- An EMI consultant has confirmed there is little low frequency outputs from the Data Centre and is not considered to impact on the Broadcast Australia tower.
- The only high frequency equipment will be a Symmetricom GPS receiver antenna mounted on the rooftop and well below the maximum height limit of RL118. The antenna is 11.17 cm wide and 6.85 cm high and will operate at the 1575.42 Mhz frequency. The device is used for receiving signal only and is not considered to impact on the Broadcast Australia Tower.

It is recommended that conditions with respect to EME be imposed for this application to ensure safe occupation of the building, and potential interference to the adjacent communication tower. (**Condition 3 & 26**)

CONCLUSION

With the exception of some external louvers and the installation of plants and equipments, the proposed development primarily involves internal fit-out works which are unlikely to create additional impacts to adjoining properties or the environment. The recommended conditions of consent are aimed at ensuring a managed construction process to minimise any disruption to adjoining communication tower and helipad, and appropriate measures for safe installation of the diesel tanks at the site.

Whilst current ASX operations are located within commercial areas, the increased demand for data management, and the specific floorspace and design requirements to accommodate the data storage hall and associated plant and services are best met by the proposed purpose built development within the industrial zone. Masterplan measures that support high quality industrial development at the site and its expected employment opportunities, including shuttle bus link between St Leonards Station are already provided as part of the approved development DA2008/42 at the site. The proposed occupation of part of Building B1 by ASX for the purposes of datacentre is considered appropriate for the zoning of the 4(c) industrial zone with its additional employment opportunities, minimise car use, and contribution to the economic development of the Artarmon Industrial Area.

RECOMMENDATION

Based on the above assessment, it is recommended that the proposed minor alterations and additions of the approved Building B1, and the fitout and occupation of the building for purposes of data centre be approved subject to recommended conditions of consent.