

## 5 Broadcast Way, ARTARMON NSW 2064.

DA NO: DA-2011/612 JRPP: 2011SYE129

ATTACHMENTS: 1. RECOMMENDED CONDITIONS OF CONSENT  
2. PLANS & ELEVATION  
3. JRPP LETTER & APPLICANT'S RESPONSE

DATE: 06-JAN-2012

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RECOMMENDATION: APPROVAL

LOCATION: 5 BROADCAST WAY, ARTARMON NSW 2064.

BUILDING B1 (TENANCY 2) GOREHILL TECHNOLOGY PARK

APPLICANT: MR IAIN PRETTY

PROPOSAL: OCCUPATION AND FITOUT FOR A DATACENTRE.

DATE OF LODGEMENT: 13-DEC-2011

REPORTING OFFICER: ANNIE LEUNG

RESPONSIBLE OFFICER: IAN ARNOTT

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### DESCRIPTION OF PROPOSAL

Development application 2011/612 seeks consent for fit-out and occupation of a recently constructed industrial building, Building B1 at Gorehill Technology Park for purposes of a datacentre.

The consent authority for the application is the Joint Regional Planning Panel pursuant to clause 23(G)(2A) and Schedule 4A of the Environmental Planning & Assessment Act 1979 as the capital investment value exceeds \$20 million.

#### Details of proposal

The proposed datacentre will occupy approximately 50% of the subject building as detailed in the submitted plans and outlined below:

Levels	Usage
Lower ground Floor (RL 91.7 -93)	Plant rooms
Upper ground Floor & car parking area (RL96.5)	<ul style="list-style-type: none"><li>- Access driveway from Spine Road to open car parking area for 16 vehicles.</li><li>- Loading dock</li><li>- Entry foyer</li><li>- Operations rooms &amp; staff amenities</li><li>- plant rooms and building services accommodation</li><li>- Two new fuel tanks (110,000 L) under car parking area</li></ul>
Level 2 (RL 108.9)	Data Hall
Roof top (RL113.50)	Various plants and services including cooling units

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The proposed operations will be 24 hours with visitors' access during normal business hours only. The primary use of the development relates to the provision of data storage for businesses by the occupier, Securus. The submitted plans and statements show that the proposed operation would require a minimum of 6 administration and operation staff onsite at all times, and with additional technicians and servicing staff associated with the maintenance of the data halls and plants.

### Neighbour Notification

Notification of the application is not required according to Part B of the Willoughby Development Control Plan. The proposed works are mostly internal to the constructed building with the exception of some roof top plant and external entry doors on the ground floor of the southern elevation of the building. These doors directly open to the existing car parking area.

### Existing Building, Relevant History and Site Context

The subject building is part of an approved industrial park, Gorehill Technology Park, located on the corner of Campbell Street, and Pacific Highway. It has approximately 300m frontage to Pacific Highway, which is interrupted by the Communication Tower (Lot B, DP 444493) currently maintained by Broadcast Australia. The approved industrial park comprises five distinct buildings/areas, generally identified as A, B, B1, C & D, with a total floor space of 82,837.68m<sup>2</sup> over a site area of 46,874 m<sup>2</sup>. Building C is currently under construction.

Gorehill Technology Park has been recently subdivided under a community title scheme with 5 community development lots and one community property lot. The subject building is identified as Building B1 on Lot 4, which is located at the north eastern corner of the industrial Park which has no frontage to Pacific Highway. Construction of the building has been completed. To the north eastern boundary of the site there is a premise currently occupied by ABC Corporation, which includes a car park building with rooftop helicopter pad. The southern boundary of the site adjoins North Sydney TAFE College.

Building B1 has a floor area of 8376m<sup>2</sup>. It contains two tenancies. The subject tenancy (Tenancy 2) proposed to be occupied is vacant. The other tenancy (Tenancy 1) is occupied by another datacentre. Both tenancies have separate access from the internal service road, Boardcast Way (previously known as Spine Road).



Figure 1 - Area photo of Gorehill Technology Park

## Site Photos



Figure 2 - Southern Elevation



Figure 3 - Western Elevation (Vehicular Access from Broadcast Way)



Figure 4 - Northern Elevation (Tenancy 1) (From Broadcast Way)

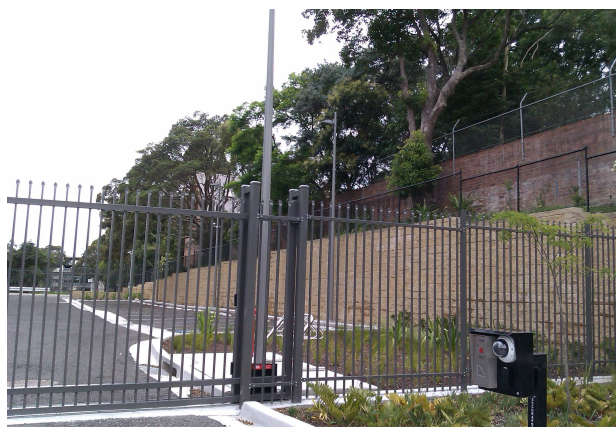


Figure 5 - Car park and retaining wall along southern boundary adjoining TAFE

## Controls and Classification

- i) Willoughby LEP 1995: Yes
- ii) Conservation Area: No. Heritage item identified within property. Please see assessment section for further discussion.
- 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 Underground Storage Tanks and operation of the development.
Building	No objection subject to recommended standard conditions of consent
Engineering	Standard conditions of consent

**Matters for Consideration Under S.79C EP&A Act**

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

<b>(a)(i)</b>	<b>The provisions of any environmental planning instrument (EPI)</b>	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
	Comment; The proposed fitout and occupation does not affect the building's compliance with relevant development standards.	
<b>(a)(ii)</b>	<b>The provision of any draft environmental planning instrument (EPI)</b>	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	✓
<b>(a)(iii)</b>	<b>Any development control plans</b>	
	• Development control plans (DCPs)	✓
	Comment: Refer below to the assessment section of the report.	
<b>(a)(iv)</b>	<b>Any matters prescribed by the regulations</b>	
	• Clause 92 EP&A Regulation-Demolition	N/A
	• Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
<b>(b)</b>	<b>The likely impacts of the development</b>	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓
	• Utilities	✓
	• Heritage	✓
	• Privacy	N/A
	• Views	✓
	• Solar Access	✓
	• Water and draining	✓
	• Soils	✓
	• Air & microclimate	✓
	• Flora & fauna	✓
	• Waste	✓
	• Energy	✓
	• Noise & vibration	✓
	• Natural hazards	N/A
	• Safety, security crime prevention	✓
	• Social impact in the locality	N/A
	• Economic impact in the locality	✓
	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
	Note: the heritage items at the site are not affected by the proposed fitout and occupation.	
<b>(c)</b>	<b>The suitability of the site for the development</b>	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
<b>(d)</b>	<b>Any submissions made in accordance with this Act or the regulations</b>	
	• Public submissions	✓
	• Submissions from public authorities	✓

## Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

	<b>Comment:</b> Refer below to the assessment section of the report for discussion.	
<b>(e)</b>	<b>The public interest</b>	
	<ul style="list-style-type: none"><li>Federal, State and Local Government interests and Community interests</li></ul>	✓

## ASSESSMENT/DISCUSSIONS

### 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 approximately 220 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 1995

#### 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, 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 a suitable use in the industrial zone.

#### Clause 43 – Floor Space Ratio

The application does not involve increase of the FSR/GFA of the subject Building B1.

#### 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 an increase in car parking spaces

#### Special controls – ABC Gorehill Site (Clause 46A)

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

#### Heritage item (Part 7)

A local heritage item, known as the “foundation of the former Channel 7 Tower” is located within the boundaries of Lot 4 (No 5 Broadcast Way). The item, which is a concrete pad footing/foundation, is located in a landscaped area above a retaining wall along the southern boundary of the site. No works have been proposed as part of this application to the retaining wall, the landscape area, or the adjoining car parking spaces. Given the nature of the proposed works being mostly internal to a constructed building, a heritage impact statement is not considered necessary having regard to Clause 59(3) of the WLEP. The proposed fit-out and occupation of the building is not considered to affect the heritage item as identified under Clause 58 of the WLEP.

#### 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. The objectives of IN2 in Draft WLEP 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 under the draft WLEP 2009 in the IN2 zone. In the Standard Instrument, high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- electronic or micro-electronic systems, goods or components,*
  - information technology (such as computer software or hardware),*
  - instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,*
  - biological, pharmaceutical, medical or paramedical systems, goods or components,*
  - film, television or multi-media technologies, including any post production systems, goods or components,*
  - telecommunications systems, goods or components,*
  - sustainable energy technologies,*
  - any other goods, systems or components intended for use in a science or technology related field,*
- but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.*

*Note. High technology industries are a type of light industry—see the definition of that term in this Dictionary.*

#### WDCP

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

The proposed tenancy has 16 allocated car spaces located on the southern side of the building with access via Broadcast Way. The car spaces are considered adequate for the number of onsite staff of the proposed datacentre. This is in addition to a free shuttle bus service operating during weekdays (Business hours) to transport employees to and from the site from St Leonards Railway Station.

#### ABC Site (Part I.7)

### *Tower & Helipads*

Part I.7 of WDCP specifies detailed controls for redevelopment of the former ABC site. It repeats height limits contained in Clause 46A(12) of the WLEP, and clarifies that the objectives to the height are also related to the maintenance of the transmission tower at the adjoining site.

The proposed fitout works will involve the installation of roof plants over the building. The applicant indicates that a mobile crane will be used mainly for the installation of chillers of air conditioning units on the roof top. This may potentially interfere with the operation of the adjacent transmission communications tower or the adjacent helipads. The mobile crane is likely to be at the site for approximately a day. Such potential interference is likely to be very minor when compared to the construction works already completed at the site for the construction of the building and the fit-out of adjoining tenancy.

During construction of the subject industrial building and the fit-out of the adjoining tenancy (Tenancy 1), mobile cranes were also used to install roof plants, concrete pouring for the top level, and the construction of the roof of the building. Mobile cranes were used for several days at a time. To minimise any potential interference of the operation of the adjoining transmission tower and helipad, the relevant development consent, DA2010/654 contained conditions 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 the equipments, notification process to affected properties prior to breaching height limits, and the adoption of a detailed material handling/ construction management plan. Council received no issues of concerns raised by the transmission tower operator or the helipad during construction of the subject building or the fitout of Tenancy 1, which have been completed.

The potential interference that can be caused by the works proposed in this application is limited to a much shorter time period than the construction of the building and fit-out of Tenancy 1. In this regard, it is recommended that requirements that successfully managed the previous construction works with mobile cranes at the site be imposed as appropriate conditions of consent for this development (**Condition 15**).

### *Electromagnetic Emission (EME)*

Electromagnetic Emission from the adjoining communication tower potentially affects safe occupation of buildings at Gorehill Technology Park. However, based on previous and recent studies undertaken for Gorehill Technology Park development, the EME levels are below recommended safe limits. Additional test were also undertaken during the assessment of the fit-out work for the adjoining tenancy (Tenancy 1), and were found to be satisfactory. The applicant submits that the proposed fit-out and occupation of the subject tenancy will meet the same standards.

It is recommended that relevant conditions with respect to EME be imposed for this application to ensure safe occupation of the building, and minimise potential interference to the adjacent communication tower prior to the occupation. (**Condition 21**)

## **CONCLUSION**

The proposed development only involves occupation and fit-out works of a new industrial building, which are unlikely to create additional impacts to adjoining properties or the environment. The proposed works are primarily internal with the exception of installation of plants and underground storage tanks and minor changes to ground floor doors. 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.

The proposed occupation of part of Building B1 by Securus for the purposes of a datacentre is considered appropriate for the zoning of the 4(c) industrial zone with its additional employment opportunities, reduced private car use, contribution to the economic development of the Industrial Area, and the clustering of high technology industries.

#### **OFFICER'S RECOMMENDATION**

**That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached conditions.**



## ATTACHMENT 1 - RECOMMENDED CONDITIONS OF CONSENT

**Conditions of Consent:** (including reasons for such conditions)

### GENERAL CONDITIONS

#### 1. Hours of Work

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

#### 2. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural Plans	DA02	A	Dec 2011	13 Dec 2011	Robert Weaver Group
	DA03				
	DA04				
	DA06				
	DA07				
	DA08				
	DA09				
	DA10				
	DA11				

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are "Exempt Development" in SEPP (Exempt and Complying Development Codes) 2008.
- b) any modifications which are 'Exempt Development' in Willoughby Development Control Plan Part B.2, or as may be necessary for the purpose of compliance with the Building Code of Australia and any Australian Standards incorporated in the Code:

c) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

### **3. Compliance with Building Code of Australia**

All building works must be carried out in accordance with the performance requirements of the Building Code of Australia.  
(Reason: Compliance)

### **4. Height**

No consent is granted to any development that will result in the erection of a building or other structures (including temporary structures such as tower cranes) having a height greater than RL 118 AHD. This height limit applies to all structures including fencing, roof plants, antennas and other similar structures.  
(Reasons: Maintenance of Transmission Tower)

### **5. Use of floorspace being confined as approved**

All uses being confined strictly to the areas so designated on the approved plans. All designated plants and building services areas must not be used for any habitable purposes.  
(Reason: Control gross floor area, Ensure compliance)

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of a construction certificate.**

### **6. Detailed Drawings**

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.  
(Reason: Ensure compliance)

### **7. Construction Management Plan**

Submit, for approval by the Principal Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (a) Parking for construction vehicles
- (b) Locations of site office, accommodation and the storage of major materials related to the project
- (c) Protection of adjoining properties, pedestrians, vehicles and public assets
- (d) Location and extent of proposed builder's hoarding and Work Zones
- (e) Tree protection management measures for all protected and retained trees.
- (f) All mobile cranes must be parked in a retracted position when not in use.
- (g) No tower crane is to be used for the approved works
- (h) No storage of any material within landscaped area along the southern boundary of the site.

(Reason: Compliance)

## **8. Damage Deposit**

The applicant shall lodge a Damage Deposit of \$30,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$62 (GST inclusive) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

## **9. Construction Management Plan (CMP)**

Submit, for approval by the Principal Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

## **10. Construction Certificate Required**

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and Statutory requirement)

## **11. Notify Council of Intention to Commence Works**

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.

(Reason: Information and ensure compliance)

## **12. Construction Information Sign**

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;

- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

### **13. Licensee Details**

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council.

NB: Should changes be made for the carrying out of the work Council must be immediately informed.

(Reason: Information)

### **14. Provide Erosion and Sediment Control**

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

### **15. Notification - use of construction equipment above RL118**

Prior to commencement of any works, a schedule of use of construction equipment above RL118 must be prepared and a copy be submitted to the PCA, the adjoining property owner(s)/ operators of the Communication Tower (Broadcast Australia P/L) at Lot B DP 444493 (217 Pacific Highway) and Helipad (Australian Broadcasting Corporation) at Lot (4 – 10 Lanceley Place, Artarmon). The schedule should indicate the likely period of time of use, and must be accompanied by plans and diagrams illustrating the height and locations of the equipment.

No less than 48 hours prior to any construction equipment being erected above RL118, the developer must notify the adjoining property owner(s)/ operators of the Communication Tower and adjoining helipad in writing, including the time period for which the equipment will occupy above RL118.

The developer and their contractors must adhere to instructions given by the adjoining property owner(s)/ operators of the Communication Tower and adjoining helipad in response to any reasonable safety concerns, and directions to minimise disruption to their ordinary operations, and signal transmission.

Copies of notification letters required by this condition, and any written correspondences received from the subject adjoining owners/operators with respect

to this condition must be retained at the site and be made available to the PCA and Council upon request.

(Reasons: Safety and Maintenance of operations of adjoining Communication Tower and helipad)

## **16. Report Existing Damages on Council's Property**

Prior to commencement of any works on site, the applicant shall notify Council in writing with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

## **17. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days)
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks)
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate.**

**18. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

**19. Access for the Disabled - Disability Discrimination Act**

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

**20. Fire Safety Certificate Forwarded to NSW Fire and Rescue**

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

**21. Electromagnetic Emissions**

Upon completion of construction works, and fit-out and prior to the issue of any occupation certificate, real world readings within the approved tenancy to be occupied must be conducted to confirm that there is no deviation from preliminary findings of the report EME Investigation prepared by EMC Technologies Pty Ltd (May 2001) in respect to the relevant Australian Standards. Based upon the result of real word readings, mitigation strategies be developed for screening sensitive equipment if required. The real world readings and associated mitigation strategies must be documented and copies of the documents be provided to the principal certifying authority and available to Council upon request.

(Reason: Health & Safety)

**22. Underground Petroleum Storage System – Mandatory Pollution Protection Equipment**

All minimum requirements of the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008 shall be met. The underground petroleum storage system:

- a) Must be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation;
- a) Shall have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipe work and overfill protection devices;



- b) Shall comply with AS4897-2008 The design, installation and operation of underground petroleum storage systems; and
- c) Shall have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

A certificate from a duly qualified person that all requirements have been met shall be submitted to the Principal Certifying Authority.  
(Reason: Environmental Protection)

## **ADDITIONAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

### **23. Road and Footpath**

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.  
(Reason: Maintain public safety)

### **24. No storage on Foot/Roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.  
(Reason: Safety)

### **25. Skips and Bins**

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.  
(Reason: Safety)

### **26. Annual Fire Safety Statement**

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.  
(Reason: Safety)

### **27. Staff Parking**

Employees are not to be denied the right to use a parking space provided for staff parking purposes in accordance with the approved plans subject to such parking space not having been otherwise allocated to another staff member.  
(Reason: Ensure compliance)

### **28. Loading and Unloading**

All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles.  
(Reason: Access and amenity)

**29. Separate Development Consent - Signage**

A separate Development Application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan Part G.5 Advertisements & Advertising Structures.  
(Reason: Ensure compliance)

**30. Street Signs**

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.  
(Reason: Protection of Public Assets)

**31. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.  
(Reason: Protection of Public Assets)

**32. Underground Petroleum Storage System – Operation and Maintenance**

All operational and maintenance requirements as required under the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 shall be implemented at the premises.  
(Reason: Environmental Protection)

**33. Waste Classification – Excavation Materials**

All materials excavated from the site (fill or natural) shall be classified in accordance with the Office of Environment & Heritage (OEHS) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.  
(Reason: Environment and Health Protection)

## DRAWING LIST

## DA01 SITE LOCATION MAP &amp; DRAWING LIST

DA02 SITE PLAN

DA03 PROPOSED TENANCY 2 LOWER GROUND PLAN

DA04 PROPOSED TENANCY 2 UPPER GROUND PLAN

DA05 TENANCY 1 LEVEL 1 PLAN

DA06 PROPOSED TENANCY 2 LEVEL 2 PLAN

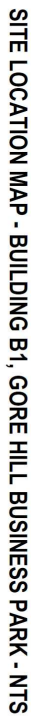
DA07 PROPOSED TENANCY 2 ROOF PLANT LAYOUT PLAN

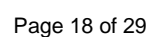
DA08 PROPOSED TENANCY 2 PLANT ROOM ROOF PLAN

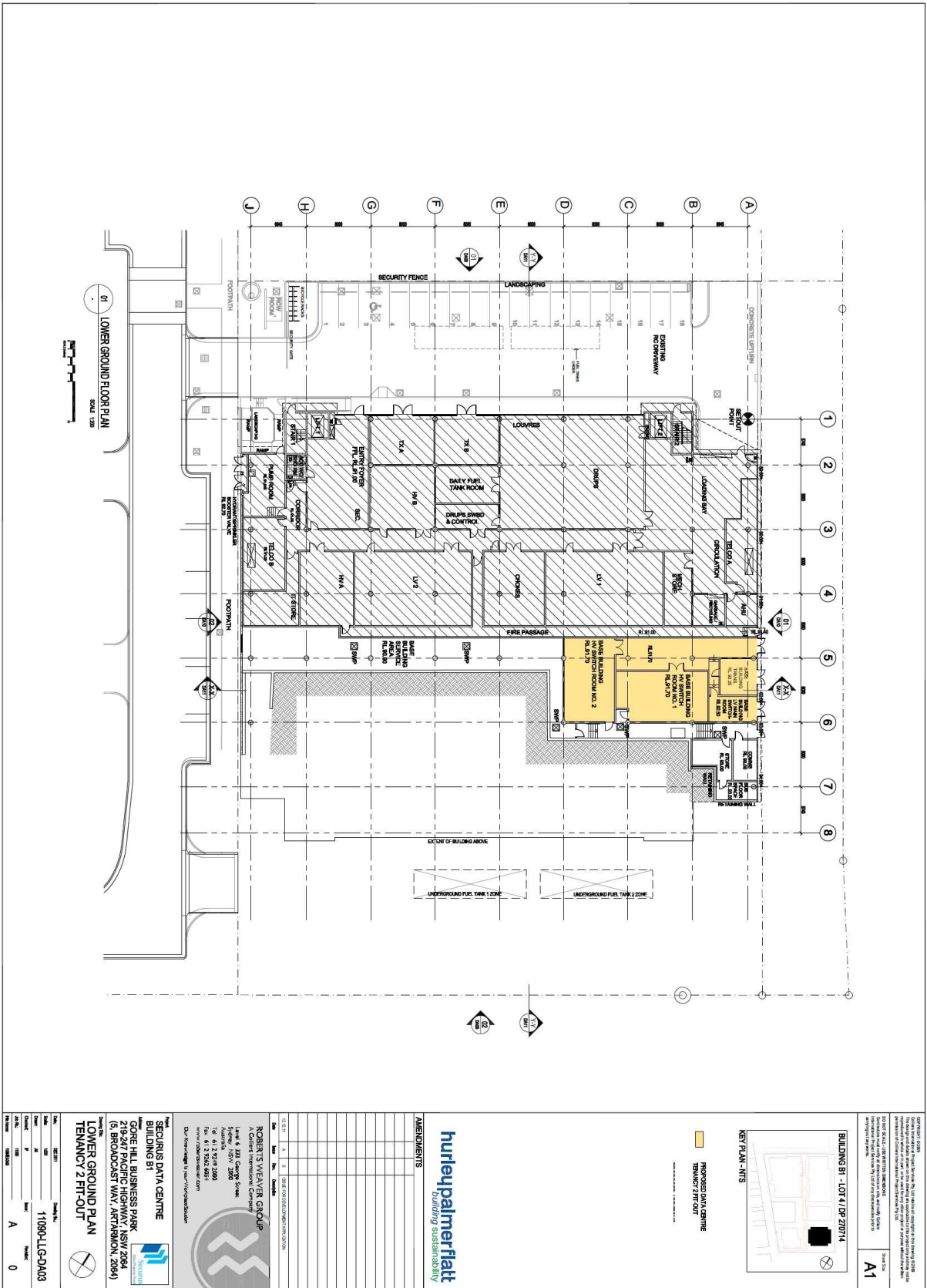
DA09 NORTH &amp; SOUTH ELEVATIONS

DA10	EAST & WEST ELEVATIONS
1	1
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7	7
8	8
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DA11 SECTION X-X &amp; SECTION Y-Y

[illegible]

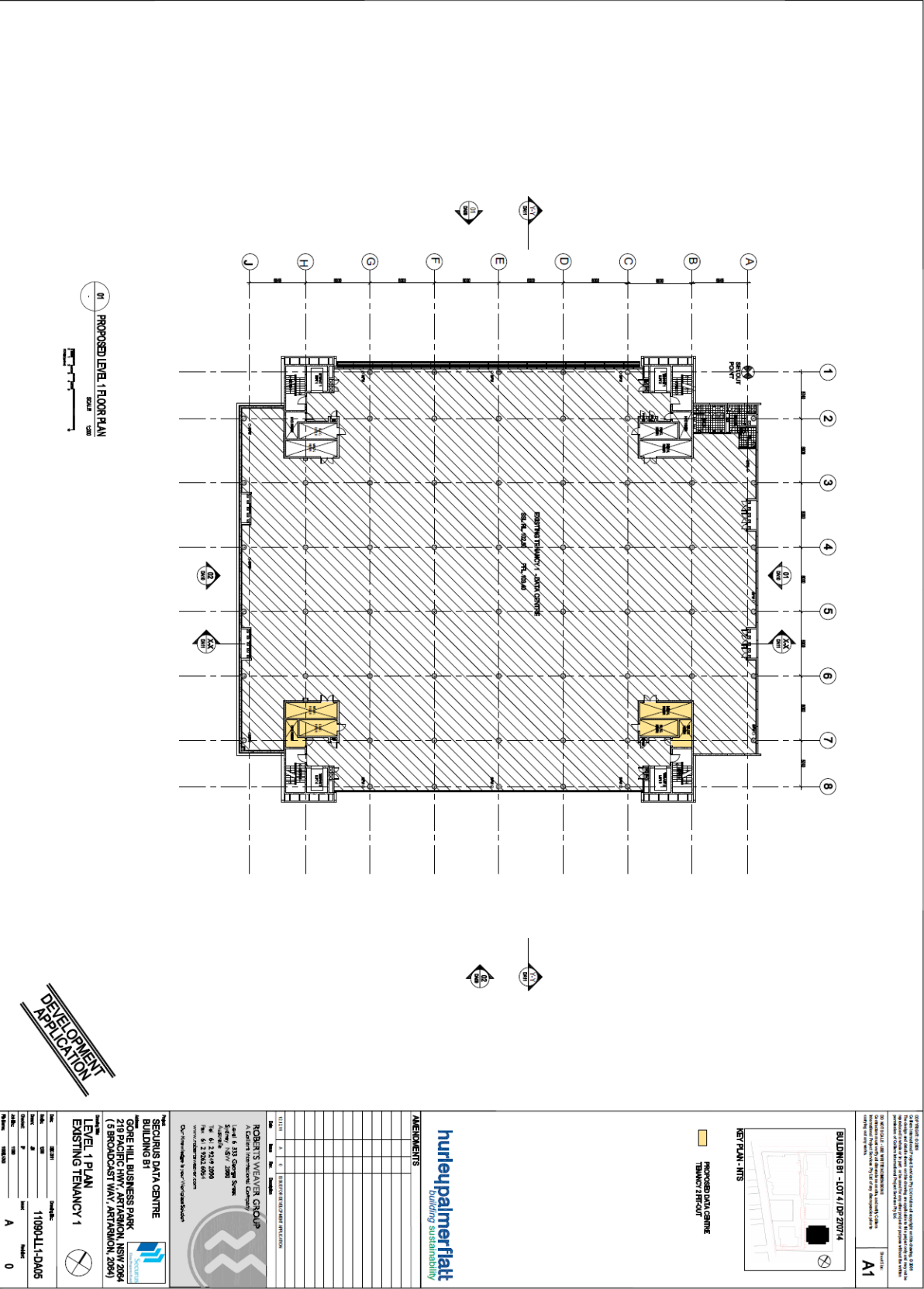




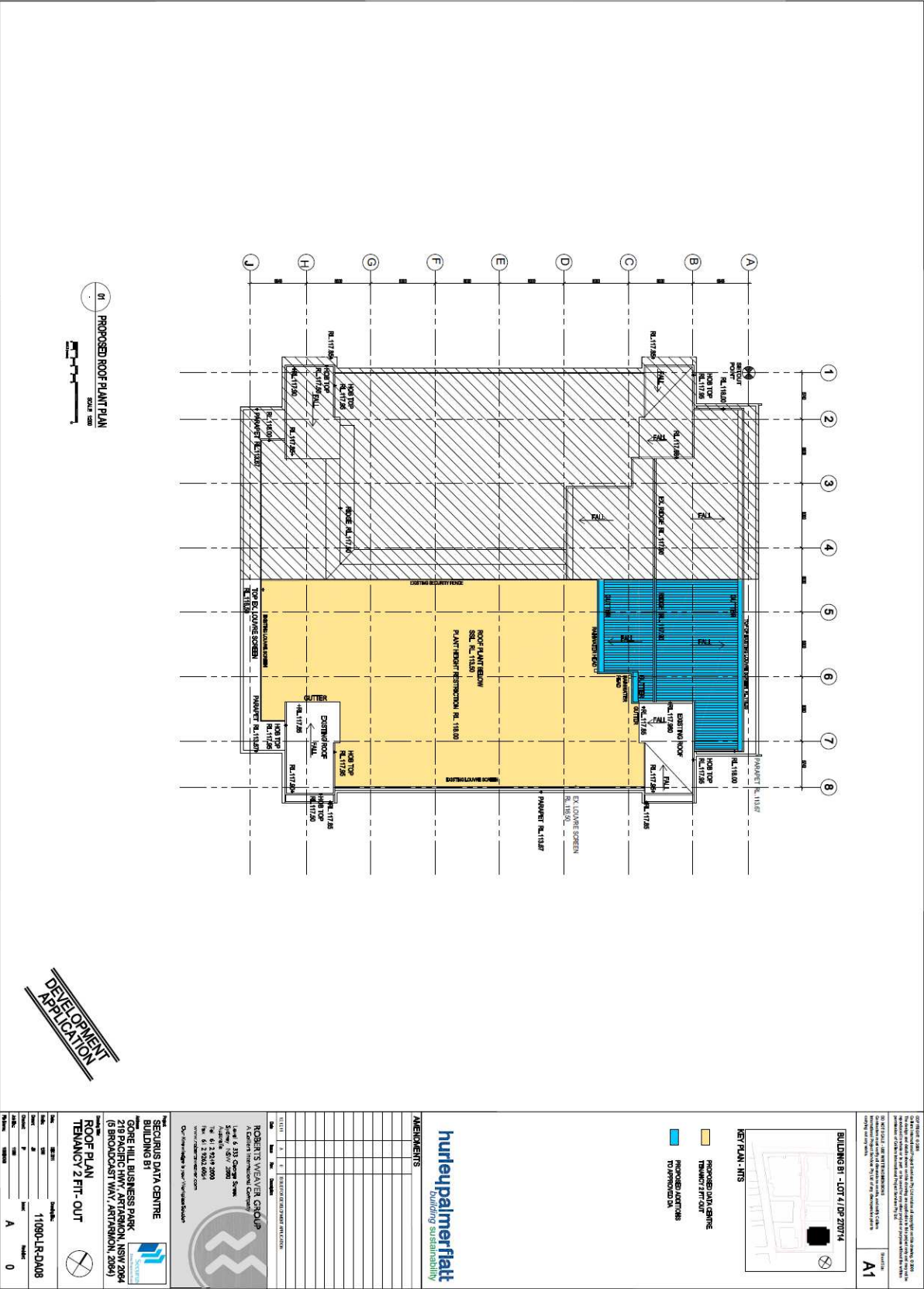


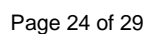




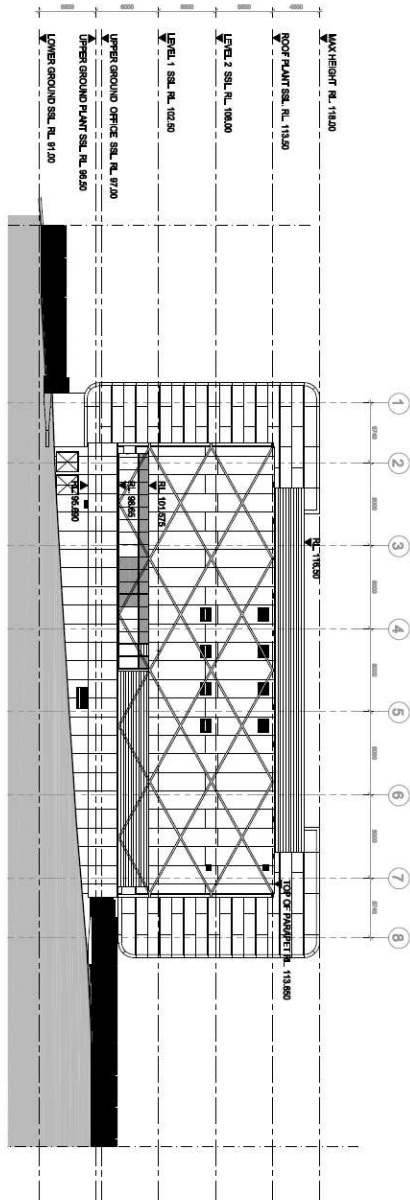
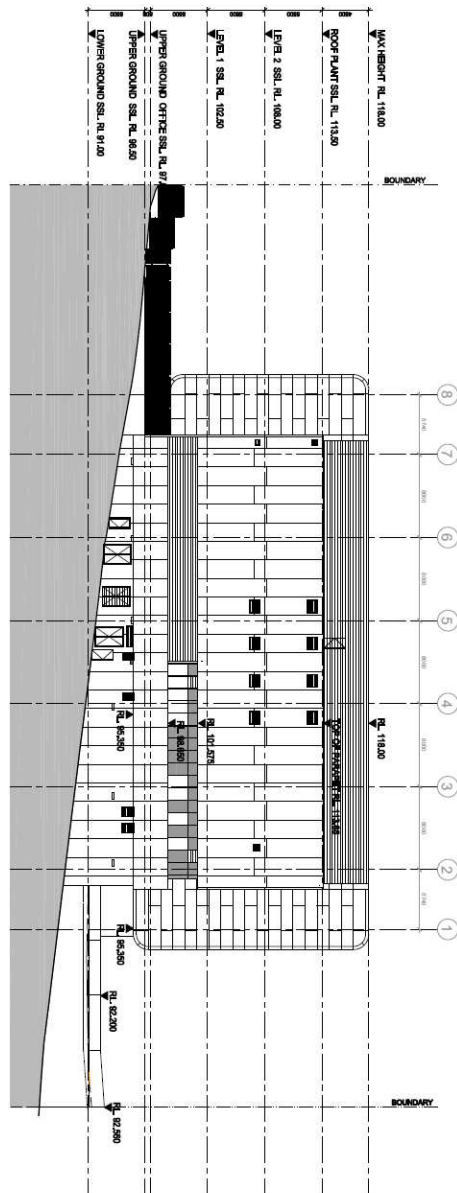




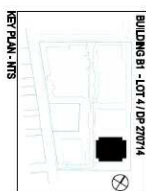








**DEVELOPMENT  
APPLICATION**



PROPOSED DATA CENTER  
TEBANC 2 FRI-OUT

[illegible]

**ROBERTS WEAVER GROUP**  
A Corbett International Company

Level 6 333 George Street  
Sydney, NSW 2000  
Australia  
Tel: 61 2 9219 2000  
Fax: 61 2 9262 6664  
[www.rwgroup.com](http://www.rwgroup.com)

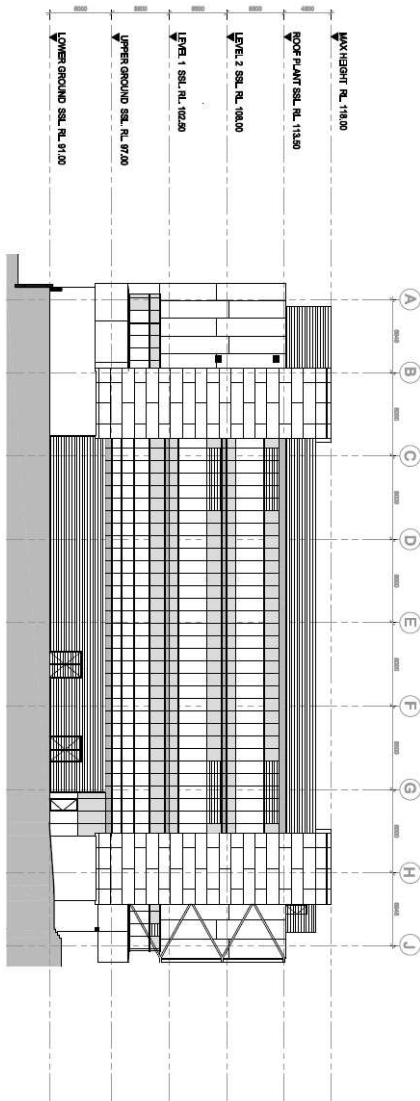
Our Group belongs to your Australian Section

**SECURUS DATA CENTRE  
BUILDING B1**

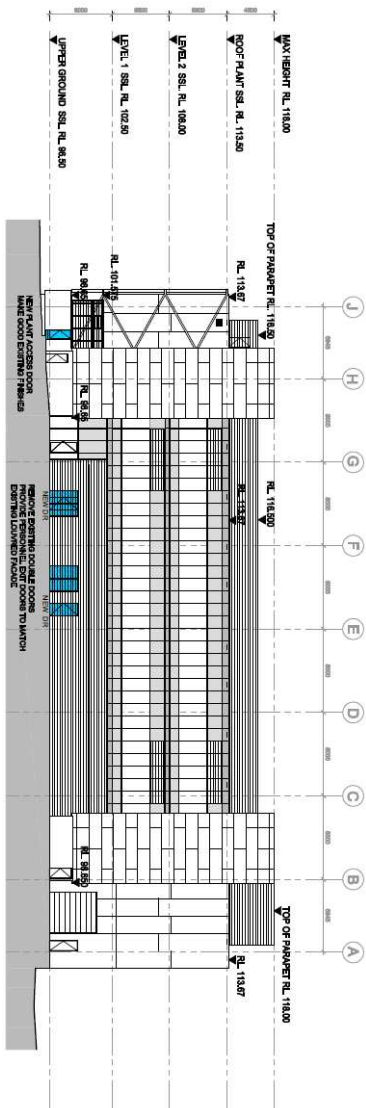
**Address**  
GORE HILL BUSINESS PARK  
218 PACIFIC HWY, ARTARMON, NSW 2084  
(5 BROADCAST WAY, ARTARMON, 2084)

**Building Type**  
EAST & WEST ELEVATIONS  
TENANCY 2 FIT-OUT

Date	08-17-11
Model	11090-E-DIA10
Diment	A
Channel	P
Adapt	11090
Plumbing	11090A



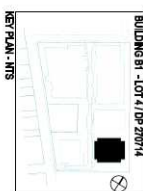
01 NORTH ELEVATION NO CHANGE  
SCALE 1:100



02 SOUTH ELEVATION MINOR CHANGE  
SCALE 1:100

DEVELOPMENT APPLICATION

NOT FOR CONSTRUCTION  
This drawing is for information only and is not to be used for construction purposes. It is the responsibility of the applicant to ensure that the drawing is accurate and that all necessary approvals are obtained before construction commences.  
DRAWN BY: J. SMITH  
CHECKED BY: J. SMITH  
DATE: 10/10/2014  
PROJECT: BUILDING B1 - LOT 41/P 20/14  
SCALE: 1:100  
SHEET: A1



PROPOSED DATA CENTRE  
TENANCY 2 FRI-CUT  
PROPOSED ADJOINING  
TO APPROVED DA

**hurleypalmerflatt**  
building sustainability

MEMORANDUM

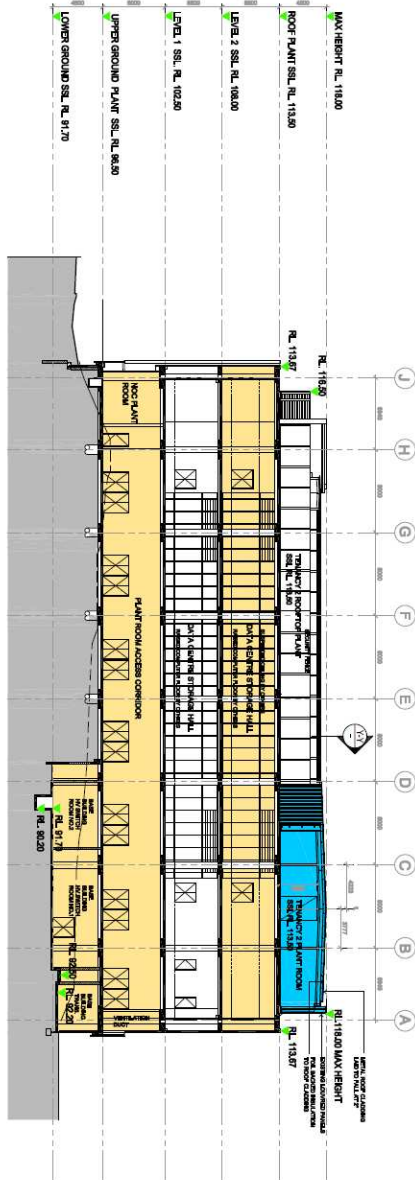
NO.	DATE	BY	REVISION
1	10/10/2014	J. SMITH	ISSUED FOR INFORMATION

**ROBERTS WEAVER GROUP**  
A Division of International Commercial  
Level 4, 311 George Street  
Sydney, NSW 2000  
Tel: 61 2 9241 2000  
www.robertsweaver.com.au

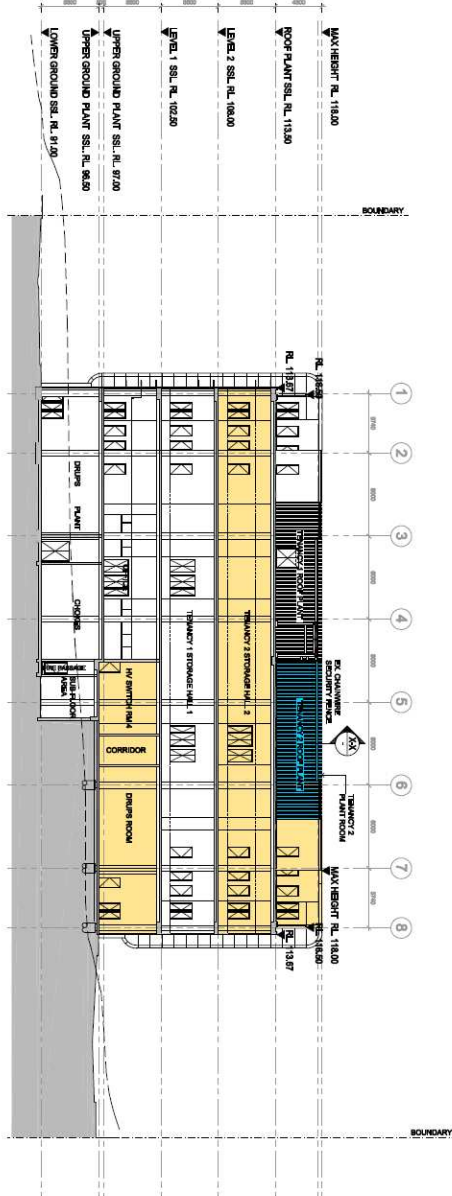
**SECURUS DATA CENTRE**  
BUILDING B1  
SCURUS HILL BUSINESS PARK  
218 PACIFIC HWY, ARTARMON, NSW 2084  
(5 BROOKCAST WAY, ARTARMON, 2084)  
TENANCY 2 FRI-CUT

**11090-E-DA09**  
DATE: 10/10/2014  
DRAWN BY: J. SMITH  
CHECKED BY: J. SMITH  
SCALE: 1:100  
SHEET: A1





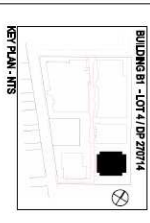
01 PROPOSED SECTION X-X  
SCALE 1/50



01 PROPOSED SECTION Y-Y  
SCALE 1/50

DEVELOPMENT  
APPLICATION

NOTES:  
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.  
10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) 2019.



KEY PLAN - NTS  
PROPOSED DATA CENTRE  
TENANT PROOF  
PROPOSED ADDITIONS  
TO APPROVED DA

**hurleypalmerflat**  
building sustainability

MEMORANDUM

NO.	DATE	BY	REVISION
1	10/10/2024	11090-S-DA11	0

**ROBERTS WEAVER GROUP**  
A CONSULTING ENGINEERING COMPANY  
Level 6, 333 George Street  
Sydney NSW 2000  
Tel: 61 2 9419 2000  
Fax: 61 2 9419 2001  
www.rwg-engineering.com

**SECURUS DATA CENTRE**  
BUILDING B1  
ROBE HILL BUSINESS PARK  
218 PACIFIC HWY, ARTARMON, NSW 2064  
(3 BROADCAST WAY, ARTARMON, 2064)

**SECTION X-X & Y-Y**  
TENANCY 2 FIT-OUT  
DATE: 10/10/2024  
DRAWN: 11090-S-DA11  
CHECKED: A  
SCALE: 0

## ATTACHMENT 3 – JRPP LETTER & APPLICANT'S RESPONSE



Joint Regional  
Planning Panels

19 December 2011

Iain Pretty  
Director Project Management  
Robert Weaver Group  
Level 6, 333 George St  
Sydney NSW 2000

Dear Mr Pretty,

**Notice of Panel Meeting – Joint Regional Planning Panels – Sydney East Region – to be determined by electronic means of communication**

The Joint Regional Planning Panels - **Sydney East** Region is to consider the following development application that has been referred to the Panel for determination:

2011SYE129 – Willoughby - 2011/612 - Occupation and fitout for a datacentre - 5 Broadcast Way Artarmon (Part of Former 219 Pacific Hwy)

The Panel wish to consider this matter by electronic means of communication as there have been **no objections** to this application. If you have any objection to this matter being determined by electronic means of communication you will have 7 days from the date of this letter to contact me.

The meeting agenda and business paper will be available on the regional panels' website [www.jrpp.nsw.gov.au](http://www.jrpp.nsw.gov.au) and North Sydney Council website [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au) once the report has been completed.

If you have any further enquiries please do not hesitate to contact me on (02) 9383 2121.

Yours sincerely

A handwritten signature in black ink, appearing to read "Angela Kenna".

Angela Kenna  
Project Officer  
Panel Secretariat

PANEL SECRETARIAT  
22 - 33 Bridge St SYDNEY NSW 2000  
GPO Box 39 SYDNEY NSW 2001  
Tel: 02 9228 2060  
Fax: 02 9228 2066  
Email: [jrppenquiry@jrpp.nsw.gov.au](mailto:jrppenquiry@jrpp.nsw.gov.au)

**From:** Morgan, Jacqueline [Jacqueline.Morgan@colliers.com]  
**Sent:** Tuesday, 20 December 2011 11:55:13 AM  
**To:** Leung, Annie  
**CC:** Pretty, Iain; Black, Peter; Dan.Pointon@hurleypalmerflatt.com  
**Subject:** Securus Data centre occupation and fit out, at 5 Broadcast Way, Artarmon, NSW 2064 - DA 2011/612

Annie,

Here is a copy of the letter received from the Joint Regional Planning panel for your information  
We have no issue with this application being determined by electronic means.

Kind Regards,

**Jacqueline Morgan**

Designer

Project Services

Dir +61 2 9249 2066

Main +61 2 9249 2001 Fax +61 2 9262 6054


jacqueline.morgan@colliers.com

**Colliers International**

Level 6, 333 George Street, Sydney, NSW 2000, Australia

[www.colliers.com](http://www.colliers.com)

 [Descript](#)  
[C:\Branc](#)

 [Description: C:\Branding\Email\Image\\_ALL\\_XMas2011.jpg](#)

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