



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-202
DA Number	DA/751/2019/A
LGA	City of Parramatta Council
Proposed Development	Section 4.55(2) modification to approved 3 storey high technology industry building and concept approval for a Stage 2 building, specifically revised building footprints/layouts, materials, equipment and landscaping.
Street Address	8 Grand Avenue, ROSEHILL NSW 2142 (Lot 2 DP 1258587)
Applicant	Equinix Australia Pty Ltd
Owner	Grand 4 Investments Pty Limited
Date of lodgement	16 December 2020
Number of Submissions	None
Recommendation	Approval subject to revised conditions
Regional Development Criteria	The proposal is a s4.55(2) modification to an application with a capital investment value of more than \$20 million (criteria at time of lodgement) and the application includes new elements which exceed a development standard by more than 10% (height).
List of all relevant s4.55(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulations 2000• State Environmental Planning Policy (State and Regional Development) 2011• State Environmental Planning Policy No. 33 – Hazardous and Offensive Development• State Environmental Planning Policy (Infrastructure) 2007• State Environmental Planning Policy No. 55 – Remediation of Land• Parramatta Local Environment Plan 2011• Draft Consolidated Parramatta Local Environmental Plan 2020• Parramatta Development Control Plan 2011
List all documents submitted with report	<ul style="list-style-type: none">• Attachment 1 – Proposed Drawings• Attachment 2 – Approved Drawings
Report prepared by	Alex McDougall Executive Planner, City Significant Development
Report date	11 February 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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1. Executive Summary

This proposal seeks various modifications to an approved concept plan and stage 1 detailed development application for a 3-storey high technology building. The modifications include, but are not limited to, the following:

- Concept: Modification to envelope of future Building B;
- Stage 1 DA:
 - Minor relocation of Building A and associated Generator Building;
 - Minor changes to Building A and associated Generator Building; and
 - Minor modifications to site layout and landscaping.

The proposal, as modified, is considered to be substantially the same development as original approved, is considered to be in keeping with the requirements and recommendations of the relevant planning framework and is not considered to have an unacceptable impact on the amenity of adjoining or nearby properties.

The original approval included a substantive variation of the building height development standard (~66%). The proposal includes new elements more than 10% above the height standard, such as a new railing on the approved roof. As such delegation for determination of the application sits with the Sydney Central City Planning Panel.

The application is considered to be consistent with the requirements of sections 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 and is thus recommended for approval, subject to revised conditions.

2. Key Issues

Parramatta Local Environmental Plan 2011:

- **Height of Buildings (cl. 4.3) Control: 12m**
 - Approved DA: 20m
 - Modified Proposal: 20m (with additional elements above the height standard).
 - Assessment: Considered to be acceptable given negligible additional impact and industrial character of the area.

3. Site Description, Location and Context

3.1 Site Description

The subject site is legally described as Lot 2 DP 125887, known as 8 Grand Avenue, Rosehill, as shown in figure 1 below. The site has a total area of 4.271ha, and a frontage to Grand Avenue of 27.72m.

The site has a history of industrial uses consistent with the wider Camellia and Rosehill localities. The site has been cleared as per the subject consent and preliminary site works have commenced.

The site is located within the Camellia and Rydalmere strategic precinct, which is earmarked for transition from a significant heavy industrial hub towards a precinct that mutually supports employment, industrial, educational and research functions.

The site is zoned IN3 – Heavy Industrial, with a maximum building height of 12m and a floor space ratio of 1:1 pursuant to Parramatta Local Environmental Plan 2011 (PLEP 2011). It does not contain any heritage items and is not within a heritage conservation area. However, Grand Avenue is listed as locally significant item I6 ‘Tram alignment’ under PLEP 2011.

The site is likely to contain acid sulfate soils and is flood affected. The site is relatively flat.

Immediately adjoining the site to the west is Lot 3 DP 843591, known as 4 Grand Avenue, which is currently being developed for the purpose of the Parramatta Light Rail stabling yard. Remediation works are required at 4 Grand Avenue and are underway on site.



Figure 1. Subject site (outlined in red)

3.2 Site Application History

Application Ref	Description
DA/751/2019	Construction of a 3-storey high technology industry building (data centre), access & car parking, landscaping, associated structures, fuel storage area (Stage 1) and concept approval for a Stage 2 building. This application was determined by the Sydney Central City Planning Panel. Approved 3 August 2020
DA/776/2017	Demolition of existing structures, site clearing and remediation works. Construction of a warehouse and distribution centre with associated car parking, landscaping and civil works. This application was determined by the Sydney West Central Planning Panel. Approved 5 September 2018 Note. This DA included approval for removal of all site trees.

4. The Proposal

The application seeks consent for the following modifications:

- Concept:
 - Modification to envelope of future Building B for consistency with Building A;
- Stage 1 DA:
 - Relocation of Building A and Generator Building 900mm south to account for survey error;
 - Modifications to Building A and Generator Building:
 - External Materials
 - Internal Configuration
 - Reconfiguration of western/southern gantries and associated plant
 - Relocation of solar panels to roof of Building A
 - Safety railing to roof of Building A
 - Introduction of external exhaust to Generator Building
 - Modification to Site Layout and Landscaping:
 - Revised car parking layout
 - Introduction of landscaping in access handle
 - Revised plant species

The proposed amendments require changes to the following conditions:

- Part A – Concept Plan Conditions:
 - Condition 1 ‘Approved Drawings’
 - Condition 3c ‘Stage 2 Requirements’ (Required Landscape Area)
- Part B – Stage 1:
 - Condition 1 ‘Approved Drawings’

5. Referrals

5.1 Internal

Specialist	Comment
Landscape Officer	Acceptable subject to planting of 3 additional trees in the north-eastern corner of the site. This condition is not considered to be appropriate for the following reasons: <ul style="list-style-type: none">• The original approval was found to be acceptable without the need for such trees. The proposal results in additional soft landscaped areas and as such the modifications do not justify provision of additional trees.• The north-eastern corner of the site is adjacent a regional oil pipeline and as such the roots from large trees may compromise that asset.• The applicant contends that there are significant in-ground services in this location which may also be affected by the roots of large trees.
Flooding Engineer	Acceptable subject to existing conditions.
Traffic and Transport Team	Acceptable subject to existing conditions.

5.2 External

Authority	Comment
Caltex Pipeline Operator	No Response Received.

5.3 Submissions

As per the requirements of the City of Parramatta Notification DCP, the application was notified for a period of 21 days between 11 January and 2 February 2021. No submissions were received in response.

6. Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

6.1 Section 4.15: Evaluation of Proposed Modifications

This section assesses the proposed modifications in the context of the relevant planning instruments and plans, including but not limited to Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011.

6.1.1 Modification to envelope of future Building B (Concept Plan)

The proposal includes the following minor changes to the envelope for the future Building B on the site:

	Approved	Proposed	Change
Height	26.07m AHD	26.07m AHD	N/A
Width	88.1m (n/i awning)	94.6m	+6.5m (7%)
Length	138.2m	140.2m	+2m (1%)

The applicant contends that the changes are required to align the future envelope with Building A. In the context of the large site size, and the industrial nature of the area, the proposed changes are considered to be minor and have a negligible impact on the amenity of adjoining / nearby development. Notwithstanding this envelope approval, the future detailed application for Building B must demonstrate compliance with the relevant planning instruments.

6.1.2 Relocation of Building A and Generator Building

The proposal seeks approval for relocating Building A and the Generator Building 900mm south, closer to the rear boundary of the site, to account for an error with the original survey. The Parramatta DCP 2011 (PDCP) rear setback control is not numeric but rather requires a merit assessment of the amenity impact of the proposal on adjoining development. The part of the adjoining site to the south of the building is primarily occupied by a car park. As such the slight increase in overshadowing is not considered to result in an unacceptable impact.

The relocation results in minor changes to the earthworks program for the site as outlined in the table below. The overall change to the earthworks is considered to be minimal in the context of the large size of the site and the industrial character of the area.

	Approved	Proposed	Change
Cut Volume (m ³)	440	800	+360
Fill Volume (m ³)	31,650	30,870	-780

The original approval included a retaining wall set in from the eastern boundary, separating fill from the adjoining site. The subject modification seeks to relocate this retaining wall to the boundary. While retaining walls on boundaries are generally discouraged, this outcome is considered to be acceptable for the following reasons:

- The applicant provided a flood report, deemed acceptable by Council's flood engineer, demonstrating that this change would not result in unacceptable flood impacts on adjoining properties.
- The original approval included retaining walls on other boundaries.
- Given the industrial nature of the adjoining site, the proposal is not considered likely to result in unacceptable amenity impacts on adjoining properties.

6.1.3 Modifications to Building A and Generator Building

External Materials

The proposal seeks to revise the external building materials as follows:

Item	Approved	Proposed
Walls (Primary)	Medium Grey Concrete Panel	<ul style="list-style-type: none"> • Medium Grey Metal Composite Panel • Concrete Precast
Walls (Accent)	Metallic Medium Grey Panel	<ul style="list-style-type: none"> • Metallic Grey Cladding • Metallic Red Cladding • Concrete Precast – Painted Black
Services	Black Metal Louvers	No change
Glazing	Clear	No change

The PDCP recommends that building roofs and lift overrun structures be dark and have matt colours so as to be recessive (s.4.3.1). The proposed modifications are considered to be acceptable for the following reasons:

- The building will not be readily visible from any public vantage point. Regardless, the revised materials are considered to be suitably robust and of an appropriate color to be visually recessive when viewed from adjoining and nearby properties.
- The proposal introduces more variation in materials which will improve visual interest.

Internal Configuration

The proposal includes minor changes to the building configuration including relocation of waste rooms, rainwater tanks, water pump rooms and switching stations. These changes are considered to be of negligible impact and thus acceptable.

Reconfiguration of western/southern gantries and associated plant

The proposal includes minor changes to the layout of the western and southern first floor gantries, including the location and size of electrical rooms. As the changes relate to plant and open gantries they do not constitute floor space.

The proposal results in a slight increase to the overall height of the plant in the western gantry from ~13.7m originally approved to ~14.1m (+400mm, +3%). This results in a further breach of the height standard. However, the plant will continue to be largely subsumed by the larger adjacent Building A (~20m height).

The plant is sufficiently separated from the boundaries so as not to result in any overshadowing impacts. These changes are considered to be inconsequential and as such are acceptable.

Installation of new platform between Building A and Generator Building

The proposal seeks to include a secondary platform/gantry above the existing approved first floor gantry around the plant area immediately to the west of Building A. The gantry is at a

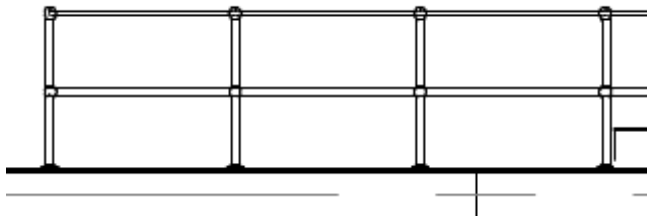
height of 9m and as such complies with the height limit. The gantry is primarily internal to the space between the plant and Building A and as such will not be readily visible from surrounding properties or the public domain. The gantry is sufficiently separated from the boundaries so as not to result in any privacy conflicts. As such the modification is considered to be acceptable.

Relocation of solar panels to roof of Building A

The proposal seeks to relocate the required solar panels from the car park sun shading awnings to the roof of Building A. This will reduce the likelihood of glare on adjoining properties and reduce the likelihood that the panels would be overshadowed by future development to the north. As such this change is considered to be acceptable.

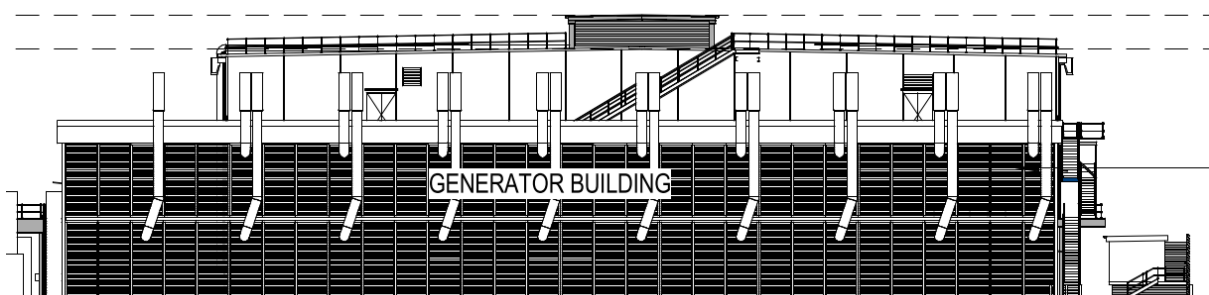
Safety railing to roof of Building A

The proposal seeks to include a railing around the roof of Building A, to assist in the safety of maintenance workers. The railing would be of an open safety railing style (see image below). While the rail would be above the height limit, it would not increase the height of the building. The building is not readily visible from the public domain or any residential occupiers. As such the railings are considered to be acceptable.



Introduction of external exhaust to Generator Building

The proposal includes the introduction of 19 external exhaust vents on the southern elevation of the Generator Building. The vents exceed the height limit, but would be subsumed by the larger Building A. The exhausts are considered to be compatible with the industrial character of the area and as such are acceptable. The proposal results in no change to the generator capacity of the building and as such there are not considered to be any additional environmental impacts than originally approved.



Overall

In total, the modifications above result in a net reduction in the Gross Floor Area for Stage 1 of 258sqm. No change is proposed to the allowable GFA for Stage 2. As such the proposal continues to comply with the Floor Space Ratio standard.

6.1.4 Modification to Site Layout and Landscaping

Revised car parking layout

The proposal seeks to make very minor changes to the car parking layout. The proposal would maintain the same total number of approved car parking spaces but distribute 2 spaces currently to the east and west of Building 1 to the strip of parking along the northern boundary of the site. The proposal also includes minor changes to the width of the vehicular access ways. Council's traffic team have reviewed the changes to the site layout and raised no concerns with regard to maneuverability or safety. These changes are considered to be inconsequential and acceptable.

Introduction of landscaping in access handle

The proposal seeks to introduce landscaping in the access handle which would result in an overall net increase in landscaped area on the site (+56.6sqm, +1%). The additional landscaping would further screen the proposed building from the street which is considered to be commendable. The proposal would also result in a higher proportion of the landscaped area being provided in Stage 1. The concept plan condition relating to provision of landscaping at Stage 2 is updated accordingly.

A 14-inch regional oil pipeline runs under Grand Avenue to the north of the site. Clause 66C of State Environmental Planning Policy (Infrastructure) 2007 requires that any development within 20m of a pipeline be referred to the operator for their consideration. The site is likely outside the 20m buffer zone. Notwithstanding, the revised application was referred to the operator (Caltex). No response was received. The proposed modifications include the introduction of new landscaping near the front boundary. As the landscaping is mostly small plants, and replaces existing large trees, this is not considered likely to affect the integrity of the pipe. As such the proposal is not considered likely to result in any negative impacts on the safety of the pipeline.

Revised plant species

The proposal seeks to replace the approved Lilli Pilli elements of the landscape plan with more drought resistant varieties of Bottlebrush, Hop Bush and Ivanhoe Grevillea. This proposal has been reviewed by Council's Landscape Officer and found to be acceptable.

6.2 Section 4.55(2): Evaluation

The development consent has been taken up (remediation works are underway) and as such the applicant can seek to benefit from Section 4.55(2) 'Other Modifications' of the EPAA Act 1979 subject to the following requirements:

Section 4.55(2)(a) - Substantially the same development

The proposal is considered to be substantially the same development in that the general function, location, scale and form of the development would not change.

Section 4.55(2)(b) - Consultation with public bodies

No concurrence was required from any minister, public authority or approval body as part of the original application. As such, no further consultation is required under this clause.

Section 4.55(2)(c) - Notification

Notification is addressed in Section 5 above.

6.3 Section 4.55(3): Evaluation

Under Section 4.55(3) of the EP&A Act 1979, in determining an application for modification, in addition to relevant matters under section 4.15, the consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. It is considered that the development, as proposed to be modified, would not be contrary to the reasons for granting the original consent.

7. Planning Agreements

The subject application is not subject to a planning agreement.

8. The Regulations

The proposed modifications would not impact on the relevant regulations, compliance with which are conditioned in the original consent.

9. The Likely Impacts of the Development

For the reasons outlined in this report, the applicant has adequately demonstrated that the proposed modifications will have an acceptable impact.

10. Public interest

The proposed modifications are not considered to be contrary to the public interest.

11. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant.

12. Development Contributions

Section 7.12 of the EP&A Act 1979 allows for Council's to develop infrastructure contributions plans. Council's contribution plan requires payment of a levy based on the cost of works of development. The consent includes a condition requiring such a contribution be paid. The applicant has not submitted a revised cost of works seeking to demonstrate that the proposed changes would result in a reduction in the agreed cost of works. The proposed changes are not considered to be such that they would result in a material increase in the cost of works. As such no change to the contribution condition is considered to be necessary.

13. Summary and Conclusion

After consideration of the application against Sections 4.55(2) and 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the revised proposal is considered to be suitable for the site and in the public interest. Therefore, it is recommended that the application be approved subject to revised conditions of consent.

14. Recommendation

That the Sydney Central City Planning Panel, as the consent authority, approve modifications to consent reference DA/751/2019 at 8 Grand Avenue, ROSEHILL NSW 2142 (Lot 2 DP 1258587) as outlined in the attached draft modified conditions of consent at Appendix 1.