

10 Grand Avenue, Rosehill

Clause 4.6 variation to Height of Buildings

On behalf of
Equinix Australia Pty Ltd

June 2020



1 Introduction

The Development Application (DA) for 10 Grand Avenue, Rosehill seeks approval for a data centre (high technology industry) at the subject site.

The proposed building and building envelope result in an exceedance of the maximum height of building development standard applicable to the site under the Paramatta Local Environmental Plan 2011 (PLEP 2011). As such, this Clause 4.6 variation statement provides a written request seeking to justify the contravention of the development standard in the circumstances.

It is considered that this Clause 4.6 Variation Request demonstrates that compliance with the height of buildings development standard is unreasonable and unnecessary in the circumstances of the case and that the request to vary the standard is justified and well founded. The variation allows for a development that represents the orderly and economic use of the land in a manner which is appropriate when considering the site's context.

In these circumstances, it is considered that a variation to the development standard will allow for an enhanced planning outcome at the site which is able to be supported based on sufficient environmental planning grounds.

2 Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the PLEP 2011 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development. Clause 4.6 enables a variation to the height standard to be approved upon consideration of a written request from the applicant that justifies the contravention in accordance with Clause 4.6.

The consent authority's satisfaction as to those matters must be informed by the objectives of clause 4.6, which are as follows:

1. To provide an appropriate degree of flexibility in applying certain development standards; and
2. to achieve sufficient planning outcomes for and from development by allowing flexibility in particular circumstances.

When considering a variation to a development standard under clause 4.6 of the LEP, a consent authority is required to be satisfied that the contravention of the respective development standard is justifiable based on the following:

- the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard;
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives

for development within the zone in which the development is proposed to be carried out.

The Land and Environment Court has established questions to be addressed in variations to developments standards lodged under *State Environmental Planning Policy 1 – Development Standards (SEPP 1)* through the judgment of Justice Lloyd in *Winten Property Group Ltd v North Sydney Council* [2001] 130 LGERA 79 at 89. The test was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* [2007] NSW LEC 827 (**Wehbe**).

An additional principle was established in the decision by Commissioner Pearson in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (**Four2Five**) which was upheld by Pain J on appeal. A further recent judgement by Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 clarified the correct approach to Clause 4.6 variation requests, including that:

"The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

How these tests and considerations are applied to the assessment of variations under clause 4.6 of the LEP and other standard LEP instruments has most recently been confirmed in the judgement of Justice Preston, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSW LEC 118.

Accordingly, this Clause 4.6 variation request is set out using the relevant principles established by the Court.

Clause 4.6 of the PLEP reads as follows:

(1) *The objectives of this clause are as follows—*

- (a) to provide an appropriate degree of **flexibility in applying certain development standards** to particular development,*
- (b) to **achieve better outcomes for and from development by allowing flexibility in particular circumstances.***

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

- (a) that compliance with the development standard is **unreasonable or unnecessary in the circumstances of the case,** and*
- (b) that there are **sufficient environmental planning grounds to justify contravening the development standard.***

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be **in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out**, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) a development standard that relates to the height of a building, or a floor space ratio, in Parramatta City Centre (as referred to in clause 7.1(1)) by more than 5%,

(cb) clause 8.1, 8.1A or 8.2.

3 The Development Standard to be varied

The development standard seeking to be varied is Clause 4.3 Height of Buildings (HOB) in the PLEP 2011. As identified on the PLEP 2011 Height of Buildings Map, the subject site has a maximum building height limit of 12 metres. The objectives of Clause 4.3 are provided below:

(1) The objectives of this clause are as follows—

(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

(c) to require the height of future buildings to have regard to heritage sites and their settings,

(d) to ensure the preservation of historic views,

(e) to reinforce and respect the existing character and scale of low density residential areas,

(f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

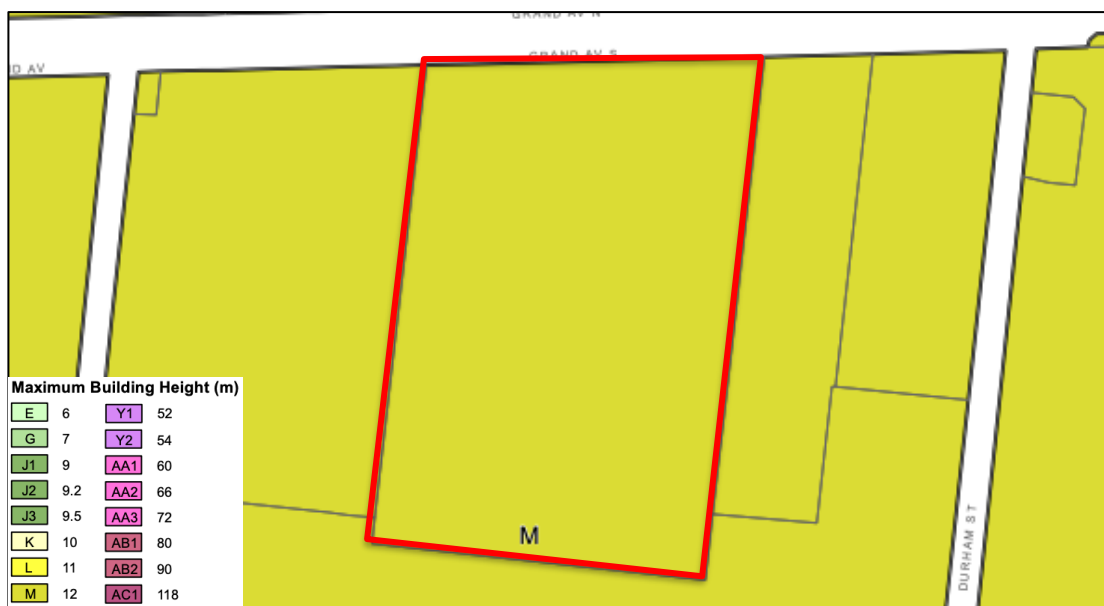


Figure 1 Height of Buildings LEP Map (Source: PLEP 2011 modified by Mecone)

4 Extent of Variation to the Development Standard

The proposed development proposes a maximum building height of 20m for the Stage 1 building, resulting in an 8.5m exceedance or 66.67% variation when expressed as a percentage. Excluding the pipework for cooling systems/towers, the remainder of the building has a height of 18.5m, providing a non-compliance of 6.5m or 54.17% when expressed as a percentage in relation to the HOB control.

For the Stage 2 building envelope, a maximum building height of 20.1m is required to facilitate future rooftop pipework (8.6m exceedance or 67.5% variation) on the building. Excluding this, the envelope would have a maximum height of 18.6m, providing a non-compliance of 6.6m or 55% when expressed as a percentage in relation to the HOB control.

The proposed development is required to vary from the HOB control to allow for the mitigation of flood related risks, contamination issues and to accommodate the

specific built requirements of the subject use, which is a unique development type comparative to other forms of more traditional industry. These matters are further explored within the assessment provided in **Section 7** of this statement.



Figure 2 Southern Section of the development displaying height of exceedance

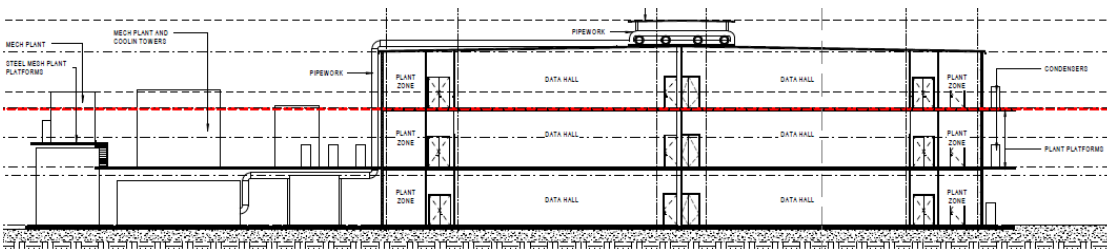


Figure 2 Southern Section of the development displaying height of exceedance

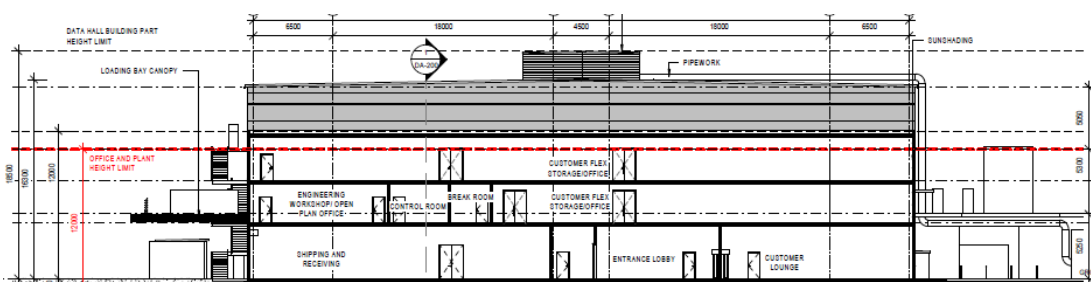


Figure 3 Northern Section of the development displaying height of exceedance

5 Objectives of the Standard

(1) The objectives of this clause are as follows—

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to require the height of future buildings to have regard to heritage sites and their settings,
- (d) to ensure the preservation of historic views,
- (e) to reinforce and respect the existing character and scale of low density residential areas,
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

6 Objectives of the Zone

The objectives of the IN3 Heavy Industry zone are as follows:

- *To provide suitable areas for those industries that need to be separated from other land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of heavy industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond.*
- *To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access.*

7 Assessment

Clause 4.6(3)(a) - Is Compliance with the development standard unreasonable or unnecessary in the circumstances of the case

It is considered that strict compliance with the Height of Building control is unreasonable and unnecessary in the circumstances of the case.

As detailed in *Williams v Ku-ring-gai Municipal Council* [2017] NSWLEC 1098, *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [44]–[48], a number of approaches could be used to establish that compliance with a development standard is unreasonable or unnecessary. *Wehbe test 1*, as described in *Williams*, is relevant for the subject site:

- **Wehbe Test 1** - the objectives of the standard are achieved notwithstanding non-compliance with the standard;

Consistency with the objectives is considered further below in relation to the height of buildings clause and relevant objectives provided in PLEP 2011.

(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan

Applicant Response

The exceedance in height proposed at the subject site will not restrict the ability of the area to deliver development which transitions in height and land use intensity appropriately. This is based on the following:

- The location of the site, which is a significant distance from Grand Avenue and any roads, means any variation from the height control will not impact upon the locality's ability to provide a transition in built form and land use intensity.
- Almost the entirety of the Camellia Industrial Precinct has a height limit of 12m. In this case, it is considered that the objective to provide an appropriate transition of land use and intensity is of less significance with reference to the context of the site.
- Allowing for the height exceedance proposed will enable development at the site to be delivered at an appropriate land use intensity more closely aligned

with the floor space ratio limits identified within PLEP 2011 of 1:1. The exceedance to development standards proposed will enable an overall FSR of 0.73:1 to be achieved at the site following completion of both buildings. This equates to a total GFA of approximately 29,612sqm, which still falls substantially short of the 1:1 (40,260sqm GFA) maximum FSR identified at the site. In the event, the additional height sought was not supported, this would limit development to 2 storeys in height. Based on the current design, loss of the 3rd storey of both buildings would reduce GFA by approximately 9,788sqm and further reduced the achievable FSR to approximately 0.49:1. As such, it is considered that enforcement of the height of building development standard in the circumstances does not assist in achieving a suitable land use intensity within the area and would result in the underutilization of land.

- It is also noted that land immediately north of the site is identified with the Camellia Planned Precinct. While the status of investigations into this precinct are currently unknown, height planning controls for this area have previously been identified to be up to 40 storeys. Such uplift being considered in this area indicates that the additional height proposed for the subject DA would be a minor anomaly and in keeping with any transition in building heights proposed for the area in the future.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development

Applicant Response

The exceedance in height will not result in any adverse visual impacts, disrupt views, result in a loss of privacy or solar access. As such, it is considered that development will remain consistent with objective (b), notwithstanding the exceedance of height proposed. This conclusion is based on the following:

- A qualitative Visual Impact Assessment has been undertaken by a landscape architect as provided in Appendix 18 of the SEE. The VIA has been undertaken in accordance with academically accepted methodologies derived from *Guidelines for landscape and Visual Impact Assessment (Third Addition)* and *The Landscape Institute Advice Note 01 (2011) Photography and Photomontage in Landscape and Visual Assessment*.

The VIA undertaken included an assessment of visual impact from a number of visual receptors identified within the surrounds with varying degrees of visual sensitivity. From these locations photomontage of google earth viewpoint analysis was analysis to assess the degree of impact which is likely to occur from the proposal.

In summary, the VIA undertaken concluded that the proposed development will not result in significant visual impacts on the immediate surrounds (which are considered to have very low sensitivity) or higher sensitivity land uses beyond. In the worst case scenario, the extent of visual impact was described as moderate/minor, with this only being the case for Rosehill Racecourse, The Ridges at Parramatta and the Lookout at Millennium Parklands. Viewpoint analysis otherwise undertaken described the extent of visual impact resulting

from the development as minor, minor/negligible or as having no impact at all.

- A shadow analysis has been undertaken and provides evidence that despite the height of the proposed building, the shadow cast from the proposal will not have any adverse impacts upon adjoining industrial properties. Subsequently there will be no impact on views as a result of a shadow being cast from the proposed development onto surrounding sites.

(c) to require the height of future buildings to have regard to heritage sites and their settings.

Applicant Response

The proposed development will not impact any heritage items nor their surrounds. The closest heritage item to the site is the Local Item I6, the former tram alignment running along Grand Avenue. No changes to either Grand Parade or the frontage of the site facing Grand Avenue are proposed.

(d) to ensure the preservation of historic views.

Applicant Response

As supported by the Visual Impact Assessment prepared, the proposed development will largely be obscured from public view and will not have any impact on historic view corridors identified within the Parramatta Development Control Plan (PDCP) 2011. The site is located to the south-east, outside of the closest Historic View Corridor (View 12), as displayed on the mapping extract below (Figure 2).

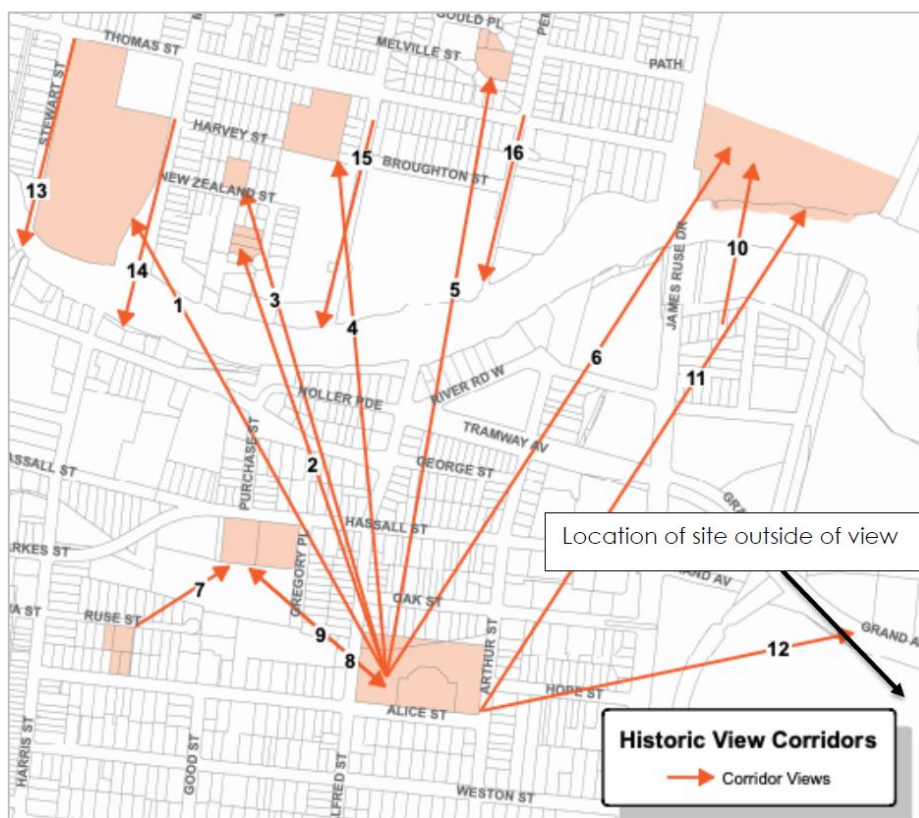


Figure 2 Consideration of Historic View Corridor (Source: Geoscapes Landscape Architects)

(e) to reinforce and respect the existing character and scale of low-density residential areas.

Applicant Response

The proposal is zoned IN3 Heavy Industrial and is located within the Camellia Industrial Precinct, far from any low density zoned land. As such, the proposal is not expected to have any impacts on the amenity of R2 zoned land and no further consideration of this objective is required.

(f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Applicant Response

The proposed development will have no impact on commercial development or compromise sky/daylight exposure to any areas of the public domain. As a result, the proposed development would remain consistent with objective (f). The request to vary the development standard is consistent with Part 1 of the 'five part test' established in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which provides that a development standard is unreasonable or unnecessary where the objectives of the standard are achieved notwithstanding non-compliance with the standard. Given the proposed development achieves the objectives of Clause 4.3 height of buildings it is considered that the non-compliance is justified and therefore acceptable in the circumstances of the case.

Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

As discussed above, Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

Pain J also held that in order for a clause 4.6 variation to be accepted, seeking to justify the contravention is insufficient - the consent authority must be satisfied that clause 4.6(3)(a) and (b) have been properly addressed. On appeal, Leeming JA in *Four2Five vs Ashfield Council* [2015] NSWCA 248 acknowledged Pain J's approach, but did not necessarily endorse it, instead re-stating Pain J and saying:

"matters of consistency with objectives of development standards remain relevant, but not exclusively so."

Further recent findings by Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 also found that:

"The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

There are sufficient environmental planning grounds to justify contravening the development standard as the proposed development allows for the promotion and co-ordination of the orderly and economic use and development of the land in the following ways:

- The breach in height will enable bespoke built form requirements to be met at the subject site, which are unique to data centres (high technology industries). The additional height will allow for the data centre to operate at an optimum capacity and facilitate the provision of supporting infrastructure such as mechanical and electrical plant which will be located on the rooftop which is critical to the functioning of the data centre. In the event the height breach was not supported, this would greatly compromise the design of the data centre and result in the under utilization of industrial land in Camellia or failure of the project proceeding. As previously mentioned, enforcement of the development standard would result in loss of the 3rd storey of both buildings and reduce GFA by approximately 9,788sqm, resulting in an FSR of approximately 0.49:1 being achieved. Such a reduction is suggested to be unnecessary in the circumstances given it has been demonstrated that the increase in height will not result in an adverse environmental impacts. Furthermore, it should be noted that this reduction would render the development economically unfeasible.
- Exceedance of the height of buildings development standard at the site will allow for an improved design outcome to be achieved, which is financially viable for Equinix. Initial design options explored, which included a design for 3 two-storey buildings across the site were unfeasible and resulted in a poorer outcome in lieu of the current design for the following reasons:
 - A design comprising 3 buildings across the site was not considered viable given it constrained the achievable footprint of each building and constrained the ability of the site to provide for necessary operational infrastructure. A three building design resulted in a poorer site layout and reduced areas required for the provision of associated power, fuel and mechanical equipment needed to meet the bespoke operational requirements of the data centre development. Furthermore, a reduction in the footprint of each building to enable the space needed for equipment rendered the project financially unviable.
 - A 3 building design resulted in an increased building footprint overall, which subsequently resulted in a difficulty to meet other site planning requirements necessary to obtain approval. The increased building area resulting from a 3 building design resulted in a development outcome which could not sufficiently address quantitative or qualitative development controls relating to landscaping, recreational outdoor areas, and worker amenity. Furthermore, it created the need for increased provision of internal roads and parking which resulted in a poor design outcome and further increased the provision of hardstand areas at the site.

- A 3 building design resulted in reduced efficiencies in relation to energy consumption and in turn had a poorer outcome in relation to achieving sustainability and energy efficiency goals.
- The provision of built form which exceeds the height limit will allow for site disturbance to be minimized as a result of the development, as it will alleviate the need to provide a basement level within any buildings. Given the site is within a highly contaminated environment this is highly desirable from both an economic and environmental perspective. Economically, remediation activities resulting from excavation to facilitate a basement level at the site would render the development financially unviable, which is not desirable given the critical role data centres contribute to society and the economy. Environmentally, the disturbance of contaminated soils is not desirable in the circumstances given excavated materials would need to be disposed of offsite; in lieu of being capped and contained on the land in a safe manner.
- The raising of the natural ground level 1.5m will assist in the mitigation of flood related risks at the site. The raising of the ground level addresses flood related and environmental site constraints and provides surety that the development will not be prone to negative flood related impacts in the future.
- The development will not impact upon any heritage or significant view corridors given its location in a battle-axe block and the low-lying industrial peninsula.
- The design provides for a contemporary industrial design that provides for appropriate levels of articulation whilst facilitating high technology uses, mitigating potential visual impacts.
- Shadow diagrams prove that the height limit will ensure that not result in unreasonable overshadowing of surrounding properties. Shadowing will be limited to neighbouring at-grade carparks and the light rail stabling facility.
- The height of the proposed development provides a built form within the locality is consistent with the objectives and requirements outlined within PLEP 2011 and PDCP 2011 for industrial land. The proposed development provides an example of appropriate building height within a battle-axe industrial block that is largely obscured from public view. Furthermore, given the expected transition of the Camellia Precinct to the north from low density industrial to high density mixed use, the relatively minor height breach is considered acceptable and in keeping with the height, bulk and scale of the desired future character of the locality.
- Strict compliance with height controls would result in the objectives of the PLEP 2011 being neglected and would not result in the orderly and economic use and development of land. The proposal represents an under-utilised building envelope, especially when compared to typical warehouse development, coming in 30% below the FSR control. The proposed development, whilst breaching the height limit, is isolated to specific parts of the site, rather than being spread across the site as a whole.

The preconditions that must be satisfied in the opinion of the Consent Authority before consent can be given are detailed in Clause 4.6(4).

Clause 4.6 (4)(a)(i) – The consent authority is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)

As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) by providing a written request that demonstrates;

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, by establishing that the objectives of the development standard are achieved notwithstanding the non-compliance (Wehbe Test 1).
2. The environmental planning grounds relied on are sufficient to justify the development standard.

In accordance with the findings of Commissioner Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the Consent Authority under Clause 4.6(4)(a)(i) must only be satisfied that the request addresses Clause 4.6(3). Under Clause 4.6(4)(a)(i) the Consent Authority is not to determine in their opinion whether the request satisfies the requirements of Clause 4.6(3)(a) and (b), just that the request has been made and that these items have demonstrated.

The relevant items in Clause 4.6(3) have been demonstrated above.

Clause 4.6(4)(a)(ii) - Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

The proposed development is in the public interest as it is consistent with the objectives of the development standard. The objectives of the development standard are addressed below under the relevant headings:

The objectives of the particular standard

In previous sections of this request, the development has been proven to be consistent with the objectives of the Clause 4.3 Height of Building clause within the PLEP. It has been demonstrated elsewhere in this report that the development achieves the objectives of Clause 4.3 Height of buildings within the WLEP notwithstanding the non-compliance with the standard.

The objectives for development within the zone in which the development is proposed to be carried out.

The site falls within the IN3 Heavy Industrial zone. As outlined below the proposed development is in the public interest because it is consistent with the objectives of the IN3 Heavy Industrial zone as demonstrated in the table below.

Zone Objective(s)	Statement of Consistency
<i>To provide suitable areas for those industries that need to be separated from other land uses</i>	The proposed development is suitably located within in an industrial zone.

Zone Objective(s)	Statement of Consistency
To encourage employment opportunities.	The proposed development will support both direct and indirect development opportunities.
<i>To minimise any adverse effect of heavy industry on other land uses.</i>	The development will not result in any adverse impacts or exacerbate the impact of surrounding land uses.
<i>To support and protect industrial land for industrial uses.</i>	The development is a type of industrial land use.
<i>To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond</i>	The proposed development will service the greater metropolitan area through providing critical infrastructure.
<i>To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access.</i>	Not applicable.

Taking into consideration the above the proposed development serves the public interest as it is consistent with the objectives of the development standard and the IN3 Heavy Industrial zone. Furthermore, there is no benefit in enforcing strict compliance of the height of buildings development standard given the circumstances of the case. The proposed height exceedance facilitates a significantly better planning outcome with several environmental constraints mitigated and an ultimately better scheme, which is economically feasible, being adopted. The contravention results in no significant adverse environmental impacts but rather a better planning outcome to what is permitted under the existing development standard.

8 Any matters of significance for State or regional environmental planning

The development as proposed provides an opportunity to provide an appropriate planning response which aligns with the strategic direction for Camellia within the Central District Plan. The proposed development will contribute to employment generation within Rose Hill and reinforce the role of the wider Camellia Precinct.

9 Conclusion to variation to height standard

This is a written request for an exception to the building height under Clause 4.6 of the PLEP 2011. It justifies the contravention to the height under Clause 4.3 of the PLEP 2011, and in particular demonstrates that the proposal provides a significantly better planning outcome, with no significant adverse environmental impacts resulting. In conclusion, it is considered that the variation to the development standard should be supported in recognition of the following:

- Full compliance with the 12m building height control is unreasonable and unnecessary in the circumstances given a variation will result in an enhanced

planning outcome without any adverse environmental, visual or amenity impact resulting.

- Allowance of an exceedance of the height of building control will allow for the orderly economic development of the land which is in the public interest.
- The proposed development is in the public interest, consistent with the objectives of the development standard, the objectives of the IN3 zone and the PLEP 2011 more broadly;
- The proposed development can demonstrate consistency with actions outlined in the Central City District Plan for the Camellia Precinct.
- Exceedance of the development standard will enable the land to be developed for the purposes of a data centre, which is increasingly being considered to be critical infrastructure through the provision of cloud based storage services which they provide.