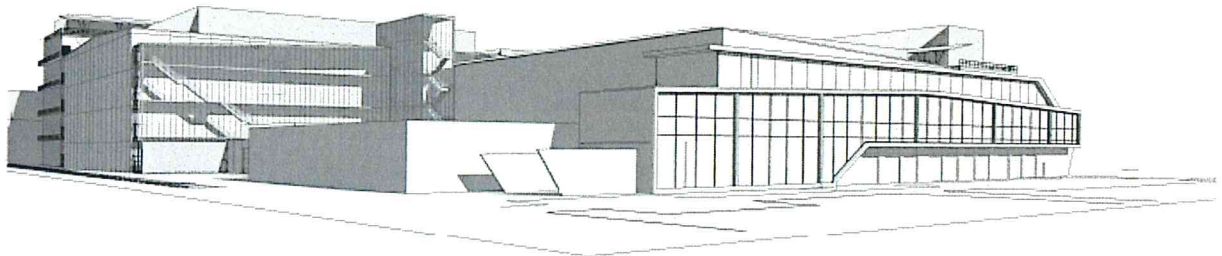




Planning &
Infrastructure

**TRANSITIONAL PART 3A PROJECT
ASSESSMENT**

**Section 75W Modification Request
DEXUS Estate Industrial Estate,
Greystanes Southern Employment Lands,
Holroyd Local Government Area
(MP08_0259 MOD 4)**



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2013

Cover Photograph: Indicative perspective - Fujitsu data centre, viewed from street frontage, Basalt Rd, DEXUS Estate – Genton Architects 2012

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1.0 BACKGROUND

This section 75W modification application (MP08_0259 MOD 4) relates to the Fujitsu data centre, which is located within the Dexus industrial estate. The 47 hectare Dexus estate forms part of the 156 hectare Greystanes Southern Employment Lands (SEL). The Greystanes SEL and Dexus estate are located within the confines of the former Prospect Quarry, which is adjacent to Prospect Reservoir, Prospect Hill and Nelsons Ridge. Quarry walls up to approximately 40m to 60m high from the former quarrying process are the back drop to the estate and the site, refer to **Figure 4**.

The Greystanes SEL along with adjoining Northern Employment Lands (NEL) have been identified in the NSW Government's Metropolitan Strategy as being of regional and state significance for employment and investment. State Environmental Planning Policy (Major Development) and the Greystanes SEL concept plan approval (MP06_0181) provide the planning regime and development controls for the SEL and the site.

The Fujitsu facility, within the Dexus estate, is used for the storage and distribution of electronic information/data, being storage of Fujitsu's own data as well as storage of data on behalf of clients. Stage 1 of the data centre has been constructed and this modification relates to amendments to the subsequent 2 stages of the facility, including the provision of additional floor space for data storage.

Concept Plan and Project approval - MP06_0181 – Greystanes SEL

On 20 July 2007, the then Minister for Planning approved a concept plan and project application (MP06_0181) from Boral Limited (Boral) for the Greystanes SEL under Part 3A of the EP&A Act.

Concept plan approval was granted for:

- subdivision into industrial and business park precincts;
- a maximum gross floor area of 493,215m²;
- a conceptual road design;
- floor space ratio of 0.75:1 for development within the industrial precinct, and 1:1 for the hotel development; and
- urban design controls including height, landscaping and open space.

Project approval was granted for:

- a 75 lot community title subdivision;
- creation of 3 lots for business park and service retail use;
- construction of major infrastructure; and
- dedication of roads and transit corridor as public roads.

The approval MP06_0181 was subsequently modified on two occasions on 11 January 2008 and 13 August 2009, including modification to create an additional lot, to make a number of lot boundary adjustments, to reduce the spine road width and establish design controls for the construction of the spine road and southern road connection.

Project Approval – MP08_0259 – Dexus Estate

On 8 November 2009, the then Minister for Planning approved a project application from DEXUS Funds Management Limited (the proponent) under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the development of the eastern portion of the Greystanes SEL, for the DEXUS Estate Industrial Park estate. The site locality plan is shown in **Figure 1**.

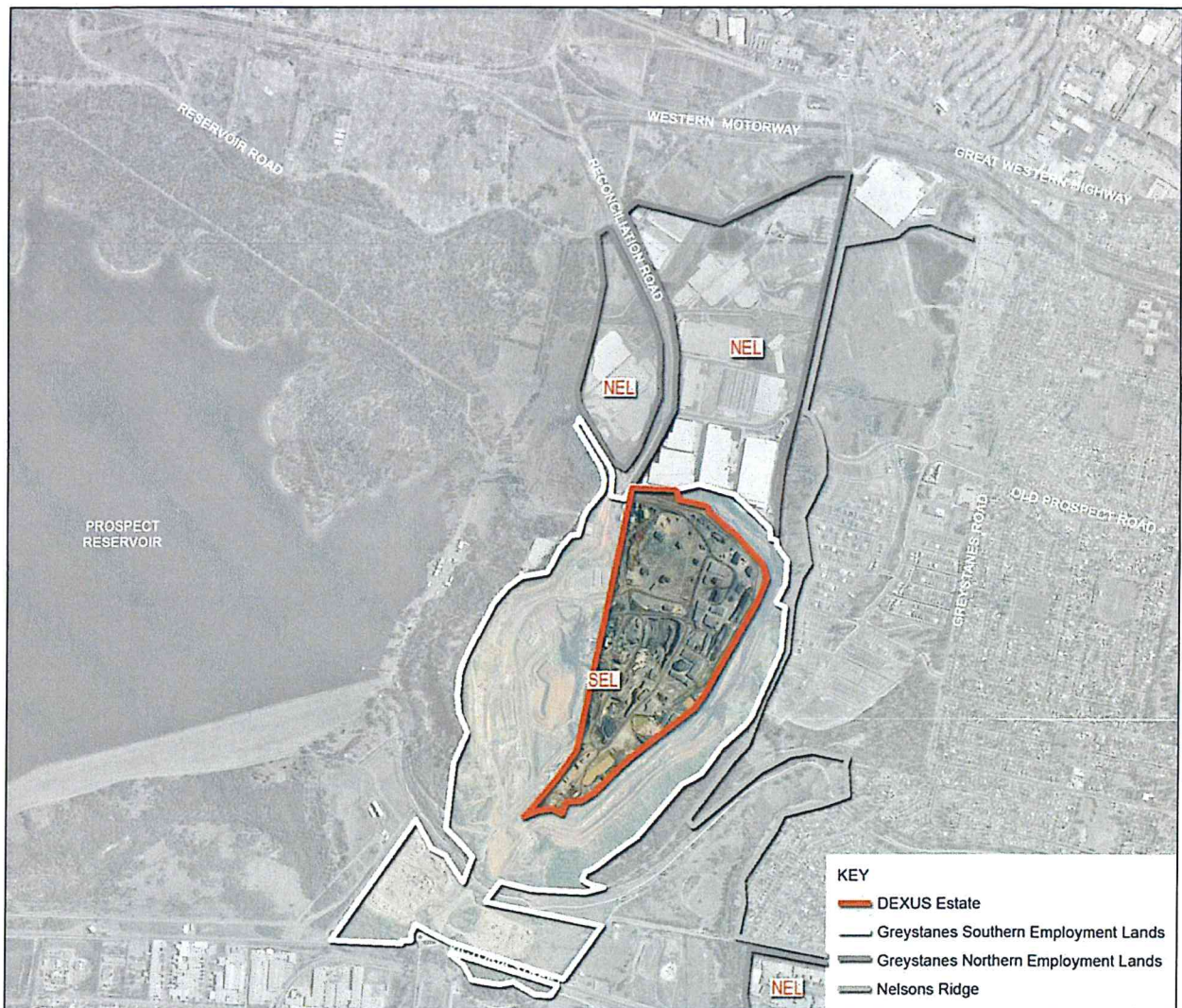


Figure 1 - Locality Plan

The approved project has been previously modified on three occasions:

- Modification No. 1 - On 20 August 2010, the Executive Director – Major Projects Assessment approved a modification to allow for the manufacturing of paper products within the Solaris Paper Facility on Lots 8 and 9 (now combined to form Lot 7) of Superlot B;
- Modification No. 2 - On 14 March 2012, the Director – Metropolitan & Regional Projects North approved a modification involving amendments to the layout of Superlot C, including deletion of the southern portion of Bellevue Circuit on the eastern side of the lot; and
- Modification No. 3 - On 4 May 2012, the Director – Metropolitan & Regional Projects North approved a modification involving changes to the masterplan layout of Superlot A including subdivision of 2 lots into 4 lots, addition of an access road to service the additional lots, and allowing light industrial use of 2 facilities (Brady and Voith Turbo).

The project approval provides for the construction and operation of a range of warehouse and storage/distribution facilities throughout three 'Superlots' within the estate. The project application approved building footprints as well as approximate floor space, site cover and landscaping provisions. Conditions imposed on the project application approval require detailed architectural plans, landscape plans, stormwater and site management plans to be submitted to and approved by the Director-General prior to the construction of each warehouse/industrial facility. The currently approved layout of the Dexus estate is shown in **Figure 2**.

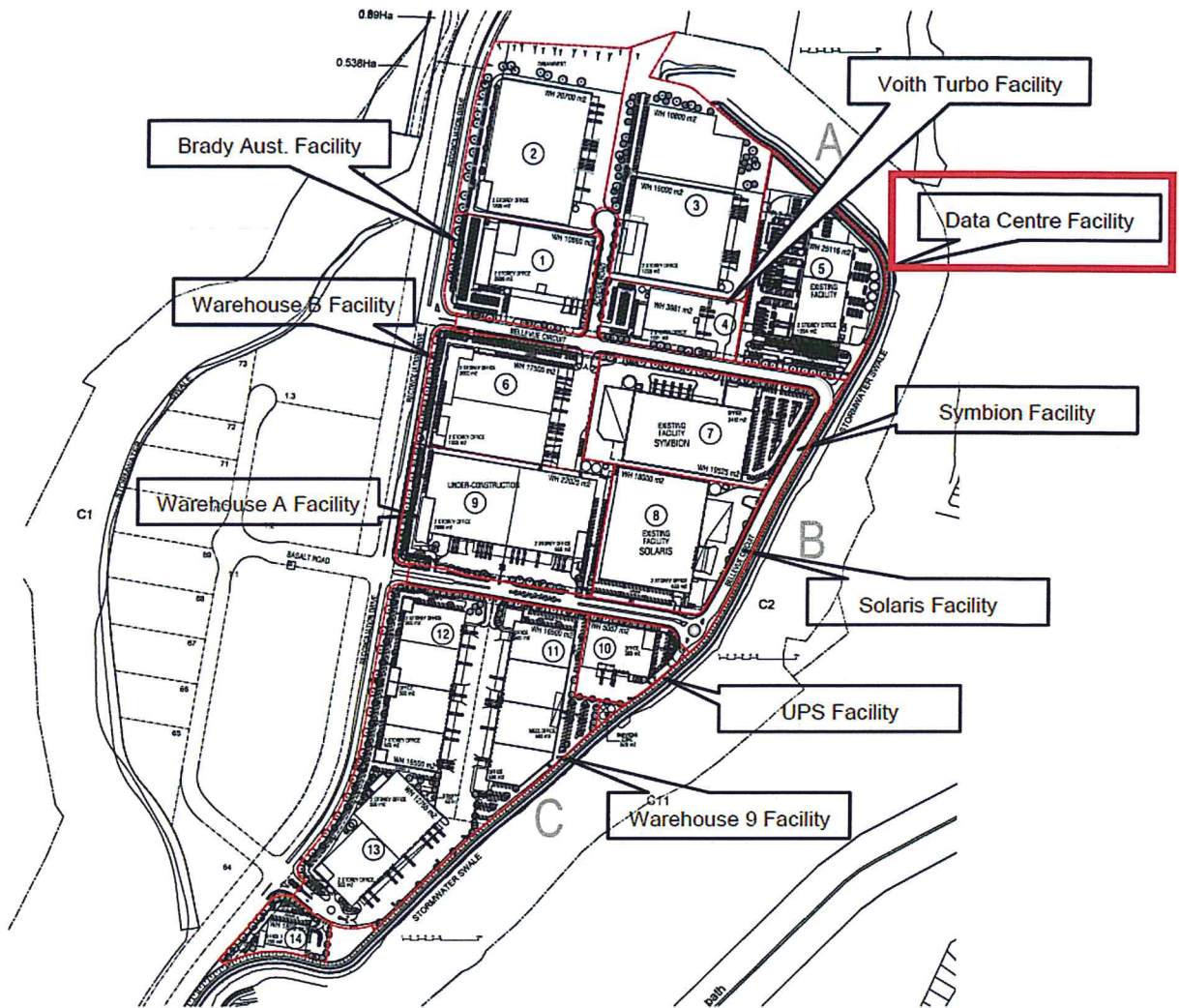


Figure 2 - approved Dexu estate masterplan, as previously modified – Modification No. 3

Detailed plans for construction of the Fujitsu data centre facility were approved on 6 July 2010 by the Manager – Industry, as delegate of the Director-General. Stage 1 of the Fujitsu data centre has been constructed and this modification relates to amendments to subsequent stages 2 and 3. Detailed plans have also been approved for six other facilities which have been constructed within the estate, as show in the recent aerial photograph, **Figure 3**.

As a result of this modification to the project approval, the detailed architectural plans previously approved in 2010 for the data centre will need to be amended to reflect the revised design. Condition 2 schedule 3 of the project approval requires that the proponent prepare detailed architectural plans for the buildings, to the satisfaction of the Director-General. The approval for the original data centre building was issued by the Manager-Industry in 2010, as delegate of the Director-General, following the department’s consideration of the original architectural plans. The full set of detailed architectural plans for the revised data centre buildings are shown in **Tag D**.



Figure 3:- Aerial photo showing the facilities constructed within the estate, including Fujitsu data centre circled in red.



Figure 4: View of the current Fujitsu Data centre (stage 1) looking north east with former quarry wall and rockface in the background.

2.0 PROPOSED MODIFICATION

On 25 October 2012, Dexus Property Group submitted a request to modify the project approval in relation to the development of lot 5 in Superlot A (as previously modified), and specifically in relation to the Fujitsu data centre on that lot. The modification involves:

- A 13,581m² increase in gross floor area from 26,510m² to 40, 091m², and a resulting increase in the floor space ratio over lot 5 from 0.69:1 to 1.03:1;
- Other changes to various development elements, as listed in **Table 1**; and
- Changes to building envelopes and footprints, as shown on the submitted location and site plans.

The detailed architectural plans submitted with the application also provide for the amendments to the design of the approved development which includes:

- relocation of the stages 2-3 data hall warehouse to the west of the approved location, and expansion to 4 levels with 3 data halls on each level;
- relocation of the uninterruptible power supply (UPS) plant buildings, with;
 - a 3 level pant building attached to the eastern side of the existing stage 1 data hall warehouse;
 - a 5 level plant building attached to the northern side of the relocated stages 2-3 data warehouse;
- expansion of the ancillary office areas by 990m², and from 2 to 3 levels; and
- relocation and augmentation of external plant, ancillary services and equipment, including:
 - a loading/storage/staging building attached to the southern side of the relocation stages 2-3 data hall warehouse;
 - a single level detached switch room building to the north of the relocated stages 2-3 data hall warehouse;
 - consolidation of the fire water tanks (from 4 to 2); and
 - provision of 60 additional car parking spaces and localised changes to the internal access roadways.

Table 1: Changes proposed to various development elements – Fujitsu Data Centre facility

Development Aspects	Approved Fujitsu Data Centre	Fujitsu Data Centre as proposed to be modified
Site area	38,500m ²	No change
Warehouse/storage areas	25,116m ²	34,530m ²
Plant (enclosed)	15,742m ²	21,886m ²
Office area	1,394m ²	2,384m ²
Total building area	26,510m ²	40,091m ² ^{Note 1}
Site cover	43%	58%
Floor Space Ratio (FSR)	0.69:1	1.03:1 ^{Note 1}
Office levels	2 levels	3 levels
Building height	22m	31.7m (36.7m to top of roof plant)
Parking spaces provided	115 spaces	175 spaces
Employees	100 employees	148 employees
Hours of operation	24 hours, 7 days	No change
Landscaped areas	5,318m ² (14%)	6,450m ² (16.7%) ^{Note 2}

Note 1: The total building area and gross floor area used for calculation of the floor space ratio excludes vertical circulation, storage, loading facilities, services and enclosed plant (in accordance with the definition of gross floor area under the standard instrument).

Note 2: The total landscaped area is comprised of landscaped areas of 3,286m² (8.5%) to the frontage and perimeter of the site and other permeable/landscaped areas of 3,164m² (8.2%), excluding approximately 432m² of site area to be occupied by water storage tanks included as permeable landscaped area on the modified site and ground floor plans.

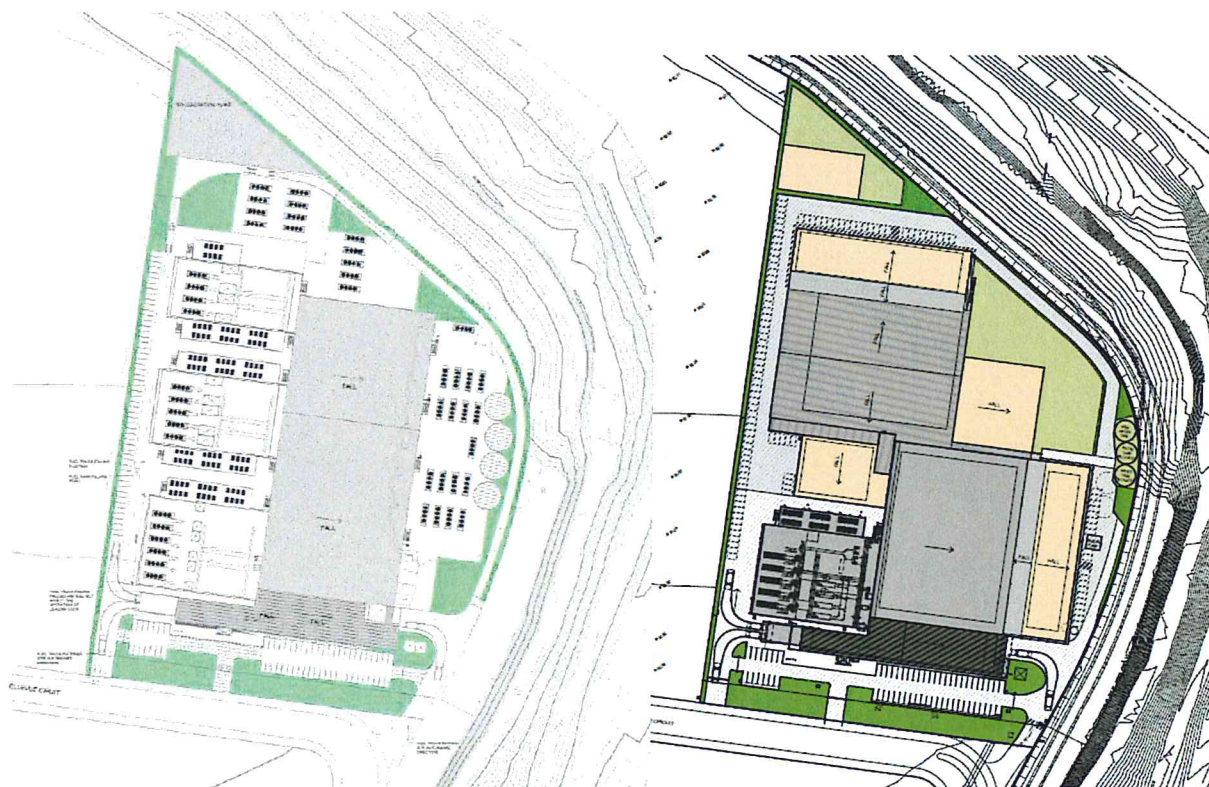


Figure 5: - Site plan, as approved

Figure 6: - Modified site plan, as proposed

2.1 - Modifications to Conditions of Approval

The proposed modification will require amendments to the conditions of project approval. The modified conditions have been described below and are detailed in the attached modifying instrument (**Appendix A**).

- condition 2 of schedule 2 – Terms of Approval: these are to be amended to update the approved drawings and EA documentation, by deleting the existing condition 2(g) and adding the following conditions:
 - (g) *modification application 08_0259 Mod 4 Modification Application 08_0259 Mod 4 and associated location plan R.DA01.A and site plan R.DA02.B (amending Overall Site Masterplan DX_G_MP08.01 Rev J and Precinct A Masterplan DX_G_MP08.03 Rev H) in respect to development of lot 5, Superlot A); and*
 - (h) *conditions of this approval.*
- Appendix 1 plans will be amended – Site Plan: DX_G_MP08.01 Rev. J, as amended in respect to Superlot A by modification application 08_0259 MOD 4 and associated location plan R.DA01 A and site plan R.DA02.A.

The proponent has also suggested that for 'housekeeping' purposes the department consider the following additional amendments to the conditions of the project approval:

- deleting condition 12 of schedule 3 which relates to the former café in Superlot C, as the café is not shown on the estate plans approved as part of Mod 3, and therefore this conditions is redundant; and

- amending condition 2(b) of schedule 3 to provide reference to the approved modifications. At present this sub condition provides that architectural plans for individual facilities are to "be generally consistent with the Architectural Design Plans and Urban Design Package in the [original] EA." It is suggested that this sentence is extended to refer to subsequent modifications.

A copy of the proponent's modification request is included at **Tag E**.

3.0 STATUTORY CONTEXT

3.1 - Modification of the Minister's Approval

The application seeks to modify the project approval under section 75W of the Act in the manner listed above, in section 2.0.

The approval for Major Project 08_0259 was granted in accordance with Part 3A of the EP&A Act under section 75J, and is subject to the transitional provisions following the repeal of Part 3A on 1 October 2011. In accordance with clause 3 of Schedule 6A of the Act, section 75W of the Act (as in force immediately before its repeal on 1 October 2011 as modified by Schedule 6A), continues to apply to transitional Part 3A projects.

The department is of the view that the application may be considered and approved as an application to modify a project approval under section 75W of the EP&A Act given that modification does not alter the purpose of the project; with the modified development remaining consistent with the approved warehouse/data storage facility.

There are minimal expected environmental impacts and issues arising from the modified development, refer to discussion in section 5. Increased building bulk, scale and height will be set against the high former quarry walls directly to east and north of this site. The modified building will not impinge upon development outside the DexuS estate, and not impact on residential areas to the east. The use of the additional floor space primarily for data storage means the modified development will not give rise to any excessive traffic and parking demands.

3.2 - Environmental Assessment Requirements

Section 75W of the EP&A Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) that must be addressed with respect to the proposed modification. As the modification relates only to the reorientation of the building layout, it was considered unnecessary to notify the proponent of any further environmental assessment requirements. The assessment submitted with the application addressed the original DGRs.

3.3 - Delegated Authority

On 27 February 2013 the Minister for Planning and Infrastructure delegated his functions to determine modification requests to the Executive Director, Development Assessment Systems and Approvals where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

Holroyd City Council (council) has made a submission providing comments on the modification and included recommended conditions related to matters such as sediment and erosion controls and design and construction of stormwater drainage. Council has not objected to the proposed modification.

There have been no public submissions received in relation to the proposal. No political disclosure statement has been made for this application. Accordingly the application is able to be determined by Executive Director, Development Assessment Systems and Approvals, under delegation.

This modification also includes consideration of a variation to the floor space ratio development standard that is applicable under Part 22, Schedule 3 of the Major Development SEPP. Under clause 19 of Part 22, Schedule 3 of the SEPP a variation of the development standard requires that the Director General issues a certificate if he is satisfied that:

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

- (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.

On 22 February 2013 the Director-General delegated his functions under Schedule 3 of the Major Development SEPP to the Executive Director, Development Assessment Systems and Approvals.

3.4 - Permissibility

The site is zoned IN2 – Light Industrial under Part 22 'Greystanes Southern Employment Lands site' of schedule 3. State Environmental Planning Policy (Major Development). Warehouse or distribution centres are permissible uses within this zone. The Fujitsu facility is used for storage and distribution of electronic data, or warehousing and distribution of electronic data, with ancillary office.

The objectives of the IN2 zone include the following relevant objectives:

- to provide a wide range of light industrial, warehouse and related land uses;
- to encourage employment opportunities;
- to minimise any adverse effect of industry on other land uses;
- to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area; and
- to facilitate employment-generating development for wide range of purposes including light industry, technology-based industry.

The modified development will remain consistent with relevant zone objectives, and provide for the continued use of the land for a warehouse related land use and technology based activity.

4.0 CONSULTATION AND SUBMISSIONS

Under section 75W of the EP&A Act, it is at the department's discretion whether a modification request is required to be publicly exhibited. Given the nature of the proposed modification, relationship and distance to development outside the estate, public exhibition was not undertaken. Under section 75X(2)(f) of the EP&A Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for modification was made publicly available on the department's website.

Holroyd City Council Referral

The modification request was referred to council for comment on 1 November 2012. Additional information submitted by the proponent was referred to council for further comment on 6 December 2012. On 20 December 2012 council provided the following comments on the modification:

Council Comment:

- *The applicant should demonstrate that the building will not be visible from the east over the Prospect Hill ridge line, such that it would not project above the ridgeline when seen from the open space spine of Pemulwuy or from Greystanes Road.*

Department Comment:

The building will not be directly visible from the east, over the Prospect Hill ridge line and existing trees. The maximum extent of the increased building height of the data centre will be consistent with the height of the ridge and will be set against the high former quarry walls and the rockface to the east and north of the site, refer to **Figure 4**. The modified data centre will be 1.2m to 6.2m below the maximum 40m building height approved for the site under MP08_0259, refer to **Figure 7** which shows the approved 40m building height in relation to the ridge line. The increased data centre building height and associated impacts in relation to Prospect Hill are further discussed in sections 5.1 and 5.3.

Council Comment:

- *Traffic and parking issues, including provision of disabled and bicycle parking, and the design of parking spaces, driveways, loading areas, vehicles swept paths and sight distances, in accordance with relevant Australian Standards and Austroads requirements;*
- *Provision of separate pedestrian access to the site;*

- Preparation of a Traffic Management Plan; and
- Engineering issues and requirements, including sediment and erosion controls and stormwater drainage design.

Department Comment:

The above matters can be dealt with as part of the existing pre-construction approval requirements in the existing conditions of the project approval, following determination of this modification application.

5.0 ASSESSMENT

The department has reviewed the proposed modification and considers the key issues for consideration to be consistency with and variations from relevant controls in the MD SEPP and the Concept Plan, built form and design, and potential impacts on state heritage.

5.1 - Relevant EPIs, Policies and Guidelines

The modification has been assessed against the provisions of relevant EPIs, policies and guidelines and in particular:

5.1.1 - Consistency with State Environmental Planning Policy (Major Development) 2005 and Greystanes Southern Employment Lands Concept Plan (MP06 0181)

Schedule 2, Part 22 'Greystanes Southern Employment Lands site' of this SEPP zones the land and provides for certain development standards.

Table 2 – Development Standards - 'Greystanes Southern Employment Lands site'

Part 22, Schedule 3, State Environmental Planning Policy (Major Development) 2005			
Relevant Clauses	Development Standard	Development proposed to be modified	Compliance
Clause 13 - Building Height	Max 15m	Up to 37.7m (max RL98.8) including roof top plant, but mostly 32.7m (RL93.8m), or less.	No , but the modified development will be within 40m (RL100) building heights for development in this part of the Dexus estate approved under MP08_0259. On 22 October 2009 the Director General certified variations to building heights for the Dexus estate in relation to MP09_0259.
Clause 14 - Gross Floor Area - Associated office premises	Associated office premises Max 50% of GFA where less than 400m from a bus stop. Max 30% of GFA where more than 400m from bus stop.	Ancillary office areas will be 6% of the GFA	Yes
Clause 15 - Floor Space Ratio (FSR)	Max FSR of 0.75:1, for any building on land within zone IN2	Proposed FSR 1.03:1	No , variation of the FSR development standard is requested.
Clause 18 - Car	Office premises – 1	175 spaces proposed	Yes

Parking	space/40m ² Warehouse or distribution centres – 1 space/300m ²	2,384m ² - office = 60 spaces 34,530m ² - warehouse = 115 spaces	
Concept Plan – Greystanes Southern Employment Lands - MP08_0161			
GFA - across the industrial and business precincts	493,215m ²	240,594m ² - as approved 250,998m ² - as now proposed	Yes
FSR - for development within the industrial precinct	0.75:1 for development within the industrial precinct <i>(considered as the whole of the industrial areas within the Greystanes SEL including the Dexus estate and adjoining proposed Boral estate)</i>	0.56:1 (average) for Dexus estate, as approved 0.59:1 (average) for Dexus estate, as now proposed.	Yes

Exceptions to development standards of the MD SEPP- transitional Part 3A Projects

Under clause 19 exceptions to development standards may be considered such that the standard does not apply, if the Director-General is satisfied, and issues a certificate to the effect that:

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

In deciding whether to issue a certificate, the Director-General must consider:

- (a) whether contravention of the development standard raises any matters of significance for State or regional environmental planning;
- (b) the public benefit of maintaining the development standard; and
- (c) any other matters required to be taken into consideration by the Director-General.

Clause 13 - Building Height

The height of the data centre as proposed to be modified will be increased from 22m to 31.7m, or up to 37.7m (maximum 98.8) including roof top plant. While this will exceed the maximum 15m specified under clause 13 of the SEPP, the building height controls in clause 13 of the SEPP have already been varied and these variations have been certified by the Director-General as part of the original project approval to MP08_0259. Building heights varying from 15m and up to 40m (RL100) over the northern parts of the estate have been approved; including building heights of 40m over the subject land, refer to **Figure 7** and **Figure 8**.

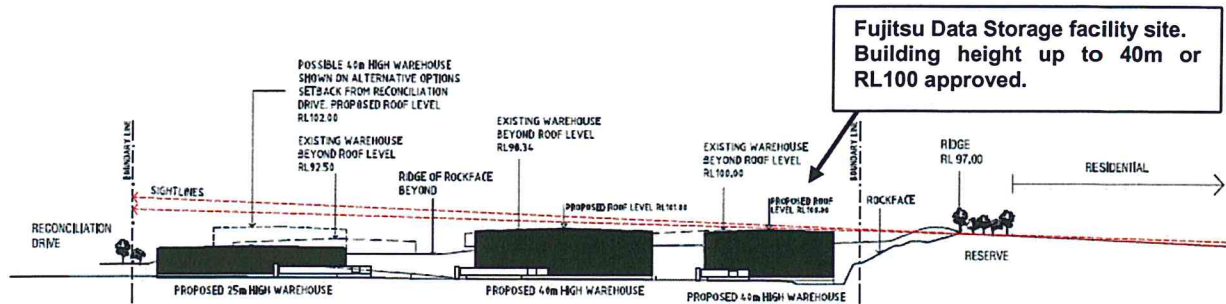


Figure 7: Indicative 40m high building envelope on the Fujitsu site, in relation to existing quarry walls and the rockface to the east, as approved under MP08_0259.

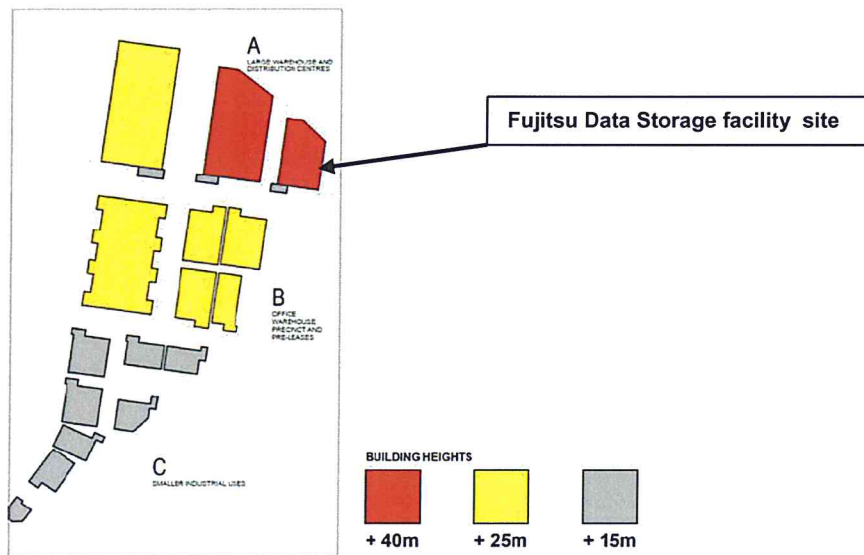


Figure 8: - Approved building heights

The building height variations were considered reasonable given the estate topography within a former quarry pit with high walls separated from residential areas. It was also considered that contravention of the height limit did not raise any matters of significance for state and regional environmental planning. Along with the project approval to MP08_0259, the Director General certified on 22 October 2009 that compliance with the building height standard under clause 13(b) of Part 2, Schedule 3 of the MD SEPP was unreasonable or unnecessary in the circumstances and there were sufficient environmental planning grounds to justify exempting the development. There is therefore no need to seek any variation of the building height standard in relation to this modified development.

Clause 15 – Floor Space Ratio

The proponent’s planning consultant has provided justification for non compliance with the FSR and a variation on this site from the maximum 0.75:1 up to the proposed 1.03:1 based on the nature of the use of the additional floor space. This relates to multi level data halls (3 and 4 storeys) housing computer servers and related data storage infrastructure, which multiplies the floor areas of the storage facility.

It is indicated that the server rooms or data halls could be considered to align with plant rooms which are excluded from the definition of floor area under the Major Development SEPP (which relies upon the definitions in the Standard Instrument) and that if they were excluded from the assessed floor area then the FSR would be around 0.8:1. It is further advised that the data storage requires only periodic maintenance and upgrade, and as such would generate low employee densities and low traffic movements.

It is also argued that the FSR is a largely academic consideration and the proposal includes a number of measures to minimise the scale and bulk of the development, and that:

- *the facility will comply with the minimum setbacks, site cover standard and allowable height limits;*
- *the higher components of the facility (including the 4 level stages 3A-3B data hall warehouse and the 5-level UPS plant building) have been located toward the rear of the site, well set back from Bellevue Circuit;*
- *the layout of the facility has been designed with a high level of articulation to 'breakup' the facility on the site; and*
- *the facades of the data hall warehouse and associated plan buildings have been designed to a high quality, including mix of materials and finishes.*

Consideration of FSR variation

The justification for variation of the development standard is considered reasonable having regard to the nature of the use of the building for data storage. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the additional floor area relates primarily to data storage and the increased bulk and scale of the building will not breach the maximum building heights for the site (as varied by the project approval to MP08_0259), nor contravene any site cover or setback standards.

There are sufficient environmental planning grounds to justify exempting the modified development from the development standard, as the increased building bulk, scale and height will be set against the high former quarry walls directly to east and north of this site as shown in **Figure 4**. The modified building will not extend above these former quarry walls. This means that the modified building will not impinge upon development outside the Dexus estate, and not impact on residential areas to the east. The use of the additional floor space primarily for data storage means the modified development will not give rise to any excessive traffic and parking demands.

Contravention of the development standard will not raise any matters of significance for State or regional environmental planning. The FSR variation will be confined to development of lot 14 DP 270644 and therefore confined to the modified development for the Fujitsu data storage facility. Any public benefit arising from the FSR standard will be maintained for development across the remainder of the Dexus estate.

Accordingly it is recommended that the Executive Director, Development Assessment Systems and Approvals, as delegate of the Director-General, certifies that the FSR standard does not apply with respect to the development dealt with in this modification request.

Clause 21 – Design excellence

Clause 21 of Schedule 2, Part 22 of the SEPP provides that:

- (1) *Consent must not be granted to development involving the erection of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed building exhibits design excellence.*
- (2) *In considering whether the proposed building exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the building will improve the quality and amenity of the public domain,*
 - (c) *whether the building will meet sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security, energy and water efficiency, and in accordance with any development control plan applying to the site area for the building.*

The architectural statement prepared for the modified proposal indicates that it will locate the significant building bulk to the rear of the site. New data halls, plant and loading docks will be screened from view by the existing metal façade, complementary timber columns and glazing to ensure the same visual impact is retained when driving along Bellevue Circuit as per the approved facility. Facades have been broken down through the use of different materials; external gantries add horizontal lines to the façade reducing building bulk, refer to **Figure 9** and **Figure 10**. Building materials will include pre-cast painted concrete with expressed control joints, polycarbonate panels, sheet metal roofing, louvre screens and glazing. Roof top plant and equipment will be screened from view. Solar panels are to be added to the façade and roof areas. The proponent considers that the solar panels will provide a positive architectural contribution, and a high quality unique design element for the facility.

Further, the design of the modified development will be considered in more detail as part of the pre-construction approval process required under the existing conditions of the project approval. The department agrees that the modified development will provide for an appropriate standard of design, materials and detailing, consistent with the location, the use as a data storage facility and associated building types. It will not detract from the public domain and will incorporate sustainable design features in particular the use of solar panels which will add to variation in building materials and finishes.



Figure 9: Depiction of proposed modified building as viewed from Bellevue Circuit

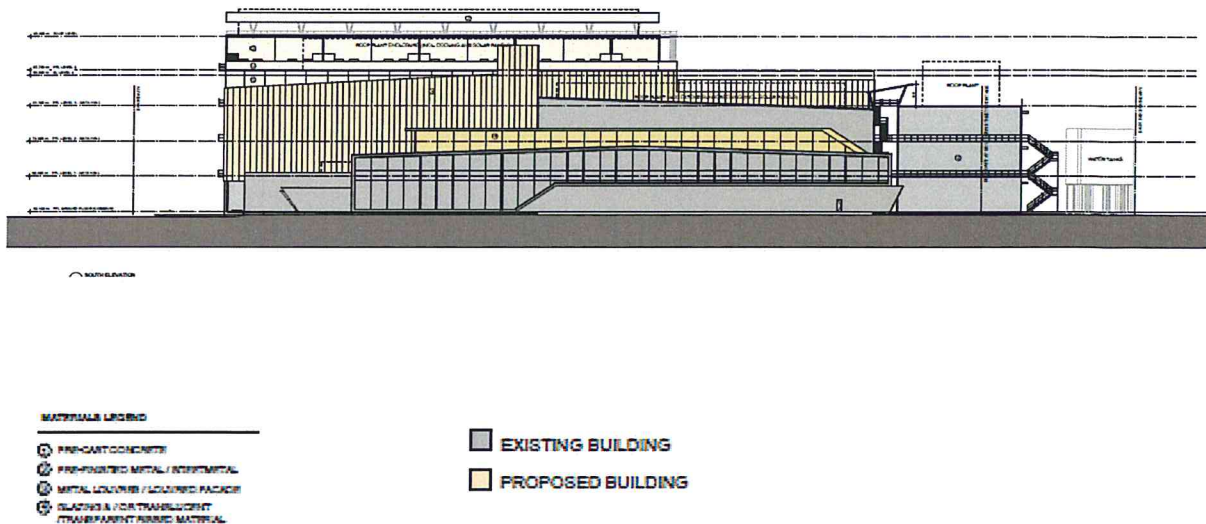


Figure 10: Southern elevation of proposed modified building, to Bellevue Circuit

Clause 22 – Architectural roof features

Clause 22 of Schedule 2, Part 22 of the SEPP makes provision for installation of roof features that exceed the prescribed building height. Proposed roof top plant areas and associated louvered screening extend to 36.7m, being 5m above the highest roof level. While these areas will be outside the prescribed 15m building height they will be within the maximum 40m height established under the project approval for the part of the Dexu estate subject to this application. In this context the roof top plant will be consistent with the requirements and objectives of clause 22, and, as the proponent notes:

- there will be no adverting structures;
- there will no roof top floor space or areas capable of modification to include floor space; and
- there will no overshadowing impacts.

5.2 - Consistency with the Dexus Estate project approval – MP08_0259

The proponent has provided details of the cumulative impact of the modification on various development aspects or elements of the existing estate project approval, as they apply to Superlot A and the whole estate. This includes the development aspects set out in **Table 3**.

Table 3: Comparison of approved and proposed development, across the estate

Aspect	Total approved Superlot A (5 separate lots/warehouse facilities)	Cumulative Superlot lot A (totals to present, 3 facilities, including Fujitsu data centre, as modified)	Total approved for Dexus Estate	Total now proposed for Dexus Estate (including approved facilities and Fujitsu data centre, as modified)
Total building area	96,132m ²	59,513m ²	240,594m ²	250,998m ²
Site cover	56%	50% (average)	56% (average)	59% (average)
FSR	0.54:1	0.76:1	0.55:1	0.57:1
Landscaped areas	27,250m ² (16%)	14,900m ² (19%)	61,808m ² (14%)	42,735m ² (14%)

On an estate wide basis, the proposed expansion to the data centre facility increases site cover to an average of approximately 59% and FSR to approximately 0.57:1, whereas the current approval (as previously modified) provides for average site cover of 56% and FSR of 0.55:1.

In regard to this the proponent has indicated that:

- there is no site cover development standard in the MD SEPP and the estate site coverage remains well below the design guideline in the Greystanes SEL Urban Design Plan (i.e. 70%)
- the FSR on an estate basis remains well below the development standard in the MD SEPP and the Greystanes SEL Urban Design Plan (i.e. 75%).

Despite these comments, the department notes that the changes to site cover, building areas and FSR related to the Fujitsu facility, resulting from this modification, should not be used to add to overall permissible site cover, building areas and FSR for remaining development. These cumulative figures should not be viewed as updated permissible maximum development standards for the individual facilities.

Future development of remaining vacant lots will need to be considered against the building footprints and specific building floor areas shown on the current site or master plan, so that there is no significant creep or increase in GFA and FSR as a result of this modification. This will need to be considered against the detailed architectural plans when these are submitted for pre-construction approval for the development of each remaining vacant lot. A note can be added to condition 2 to highlight this matter.

Notwithstanding this, the department considers that the approval of increased FSR and site cover for the Fujitsu facility can be justified based on the nature of the use of the additional floor space for data storage; due to the lack of any environmental impacts arising from the increased floor space, building height and scale; and also because approval for the increased FSR (above the 0.75:1 development standard under the MD SEPP) will be confined to this site alone.

Condition 12, schedule 1 – Café

In addition to the modification to the project approval, in relation to the Fujitsu development, the proponent has also requested consideration of an unrelated matter in respect to the deletion of a

condition 12 of the project approval MP08_0259, which requires separate approval for a café proposed on Superlot C, as this is now redundant.

The plans approved in March 2012 with MOD 2 (Precinct C Masterplan DX_G_MP08.05 Rev H) show a café/office area of 400m², in the southern part of Superlot C. This was superseded with the plans approved in May 2012 with MOD 3 (DX_G_MP08.05 Rev J) where this same area is now shown as an office area only, and no café is designated on plan. Consequently the deletion of condition 12 is supported.

Condition 2(b), schedule 2 – Architectural Design

This condition requires that the detailed architectural design plans for the buildings which are to be constructed on the site shall be generally consistent with the Architectural Design Plans and Urban Design Package submitted with the environmental assessment (EA) as assessed and determined with the original project approval in 2009. These Architectural Design Plans provide for building site plans or footprints and general elevations, along with greater architectural details and finishes depicted in typical elevations only. The Urban Design Package provides for general design principles to be considered when dealing with the subsequent approval of the more detailed architectural plans for each of the individual buildings.

The department agrees that the proponent's proposed modification of this condition is appropriate in order to allow for changes to the building footprints and elevations which would not otherwise be considered as being generally consistent with the original Architectural Design Plans, such as provided for in this modification request.

5.3 - Wall mounted solar panels

Wall mounted solar panels are proposed to be attached to the western elevation of the data halls. In support of the proposed solar panels, the proponent has referred to technical guidelines on solar panels prepared for the United States Federal Aviation Administration in November 2010; to indicate there limited amenity impacts. However these guidelines include a note advising that reflectivity is being reviewed based upon new information and field experience.

The installation of a solar energy system is potentially exempt or complying development under Division 4 of *State Environmental Planning Policy (infrastructure) 2007*. For a system of the scale that is proposed, the complying development provisions, rather than exempt provisions, may apply. These complying development provisions require that the system does not involve mirrors or lenses to reflect or concentrate sunlight. Any potential reflectivity and glare impacts of the solar panels can be dealt with by existing conditions of the project approval, which require pre-construction approval by the Director-General for the detailed architectural plans of the modified development.

5.4 - State Heritage Register listing – Prospect Hill

The Heritage Branch raised concerns in 2009 with the original project relating to its potential for visual impacts on views to and from Prospect Hill to the east and north of the estate, which is listed in the State Heritage Register. These concerns related to the increased building heights, up to 40m, compared to the 15m heights provided for in the Greystanes Southern Employment lands in schedule 3 of the MD SEPP. The Heritage Branch concluded that the increased heights would be acceptable provided works complied with the recommended strategies contained within Appendix I of the EA submitted for the original project approval, titled 'Visual Impact Assessment Amended Building Height'.

As the modified development, and proposed amendments to the architectural plans, will be within the maximum overall 40m height limit, this will be consistent with the strategies and management principles in the original visual impact assessment and therefore there are no further expected visual impacts.

6.0 CONCLUSION

It is considered that the proposal, as modified, remains consistent with the larger scale industrial and warehouse development as assessed under the original approval.

The modifications do not alter the overall nature of the approved development for data storage, nor does it introduce any expected detrimental environmental, social or economic impacts upon the site or surrounding locality, due to the location of the subject site within the industrial estate, a former quarry.

The increase in floor space and the associated variation of the floor space ratio development standard is considered reasonable in the circumstances of the case, having regard to the nature of the use of

Performance, as delegate of the Director-General certifies that the FSR development standard does not apply to the subject site (lot 14 DP 270644) with respect to the development dealt with in this modification request.

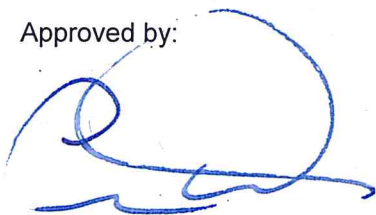
7.0 RECOMMENDATION

It is recommended that the Executive Director, Development Assessment Systems and Approvals:

- 1) As delegate of the Director-General of the Department of Planning and Infrastructure (subject to the Director-General's delegations of 22 February 2013) sign the certificate at **Appendix A**, that the development standard (floor space ratio) of clause 15, Part 22, Schedule 3 of SEPP (Major Development), does not apply, to Lot 14 DP270644 and the modified development in MP08_0259 MOD 4; and.
- 2) As delegate of the Minister for Planning and Infrastructure (subject to the Minister's delegations of 27 February 2013) approve the proposed modifications to the project approval for MP 08_0259 under section 75W of the EP&A Act, as detailed in **Section 2** of this report; and vary the conditions of approval as set out in the modifying instrument contained at **Appendix B**.
- 3) As delegate of the Director-General and as required under condition 2 schedule 3 of the project approval, approve the revised detailed architectural plans for the Fujitsu data centre, arising from this modification, and sign the attached letter to the proponent at **Appendix C**

**Director
Major Projects Assessment
Metropolitan & Regional Projects North**

Approved by:



6.3.13

**Executive Director
Development Assessment Systems & Approvals**