



Project Mars Data Centre – 12 Mars Road, Lane Cove West

Clause 4.6 Variation Request

Prepared for
**Goodman Property Services (Aust.)
Pty Ltd**
February 2026



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Report Number Final Lodgement – February 2026



Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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REQUEST TO VARY CLAUSE 4.3 IN THE LANE COVE LEP 2009

Address: 12 Mars Road, Lane Cove West

SITE AND PROPOSED DEVELOPMENT

1. Site Description

The site is located at 12 Mars Road, Lane Cove West within the Lane Cove local government area (**LGA**). The site is legally described as Lot 22 in Deposited Plan 732062 and is owned by Goodman Property Services (Aust) Pty. It is bound by Mars Road to the north, Blackman Park to the south and an industrial site to the west. East of the site is a bushland reserve. Industrial development characterises land further to the north, whilst residential and recreational land, along with bushland, is located further to the east and south.

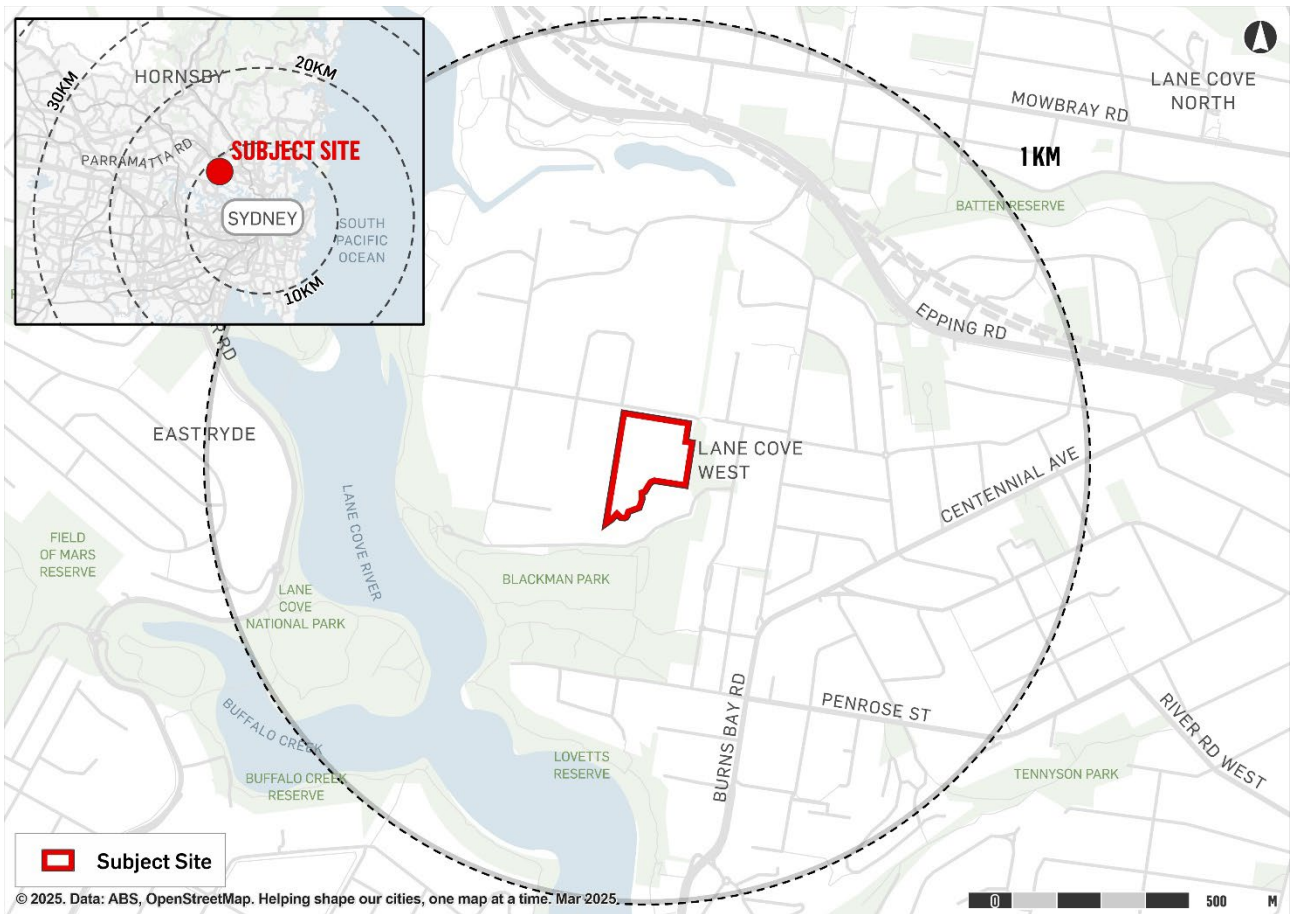
The key features of the site are summarised in the following table.

Table 1 Site Description

Feature	Description
Street Address	12 Mars Road, Lane Cove West
Legal Description	Lot 22 in DP732062
Site Area	33,559 sqm
Easements and Restrictions	<ul style="list-style-type: none">▪ (A) Lease to Ausgrid of substation premises No. 5233 together with a right of way 7 wide (B) and easement for electricity purposes 2 wide (C) (vide T133215)▪ (D) Easement to drain water 3 wide (vide P814044).
Land Configuration	The site has a primary frontage to Mars Road of approx. 205 metres and a depth of approx. 160 metres. The site slopes significantly from north-west to the south-east of the site.
Vegetation	There is currently extensive and mature tree canopy on the site's southern and eastern boundaries.
Existing Development	The site currently accommodates four warehouse buildings including hardstand, car parking and landscaping.
Local Context	The site is located in the Lane Cove West Business Park which is a key economic and employment precinct in the Lane Cove LGA. The Lane Cove West Business Park contains a range of land uses including Cochlear, Storage King, Lane Cove Gymnastics Club, Novis Healthcare and an Airtrunk Data Centre.
Adjacent Development North	The site is bound by Mars Road to the north. A series of industrial buildings are located on the opposite side of Mars Road
Adjacent Development East	There is a significant landscape setback that separates the site from low-density residential development. Further east of the site are low-density residential dwellings.
Adjacent Development South	There is a significant landscape buffer to the south of the site. Beyond the site is the Lane Cove Council Depot providing storage for Council vehicles. Further south is the Blackman Park Grounds.
Adjacent Development West	To the west of the site is the Lane Cove West Business Park.

Feature	Description
Access Network	<p>The site is located within the Lane Cove West Business Park which is well located and connected to Epping Road and the M2 Motorway, providing access to the Sydney CBD and northern Sydney.</p> <p>The site is accessible via public transport, with a bus stop directly outside the site's entry point which travels to the Sydney CBD or nearby stations. Vehicle and pedestrian access to the site will be via Mars Road.</p>

Figure 1 Location Plan



Source: Urbis, 2025

Figure 2 Aerial Photograph



Source: Urbis, 2025

Figure 3 Site Photos



Picture 1 Site viewed from Mars Road

Source: Google Maps



Picture 2 Site viewed from Mars Road

Source: Goodman, 2025



Picture 3 Rear Building on the site viewed from the north

Source: Goodman, 2025



Picture 4 View of the eastern half of the site from the car park

Source: Goodman, 2025

2. Proposed Development

The proposal involves the following works:

- Site preparation works including demolition, bulk excavation and removal of existing structures on the site, tree and vegetation clearing and bulk earthworks.
- Construction, fit-out and operation of a three-storey data centre building with a total gross floor area of approximately 21,832m² comprising:
 - 24 parking spaces
 - 2 loading dock spaces
 - 2 levels of technical data hall floor space
 - 3 level office and amenities building
- Provision of required utilities including:
 - diesel storage tanks

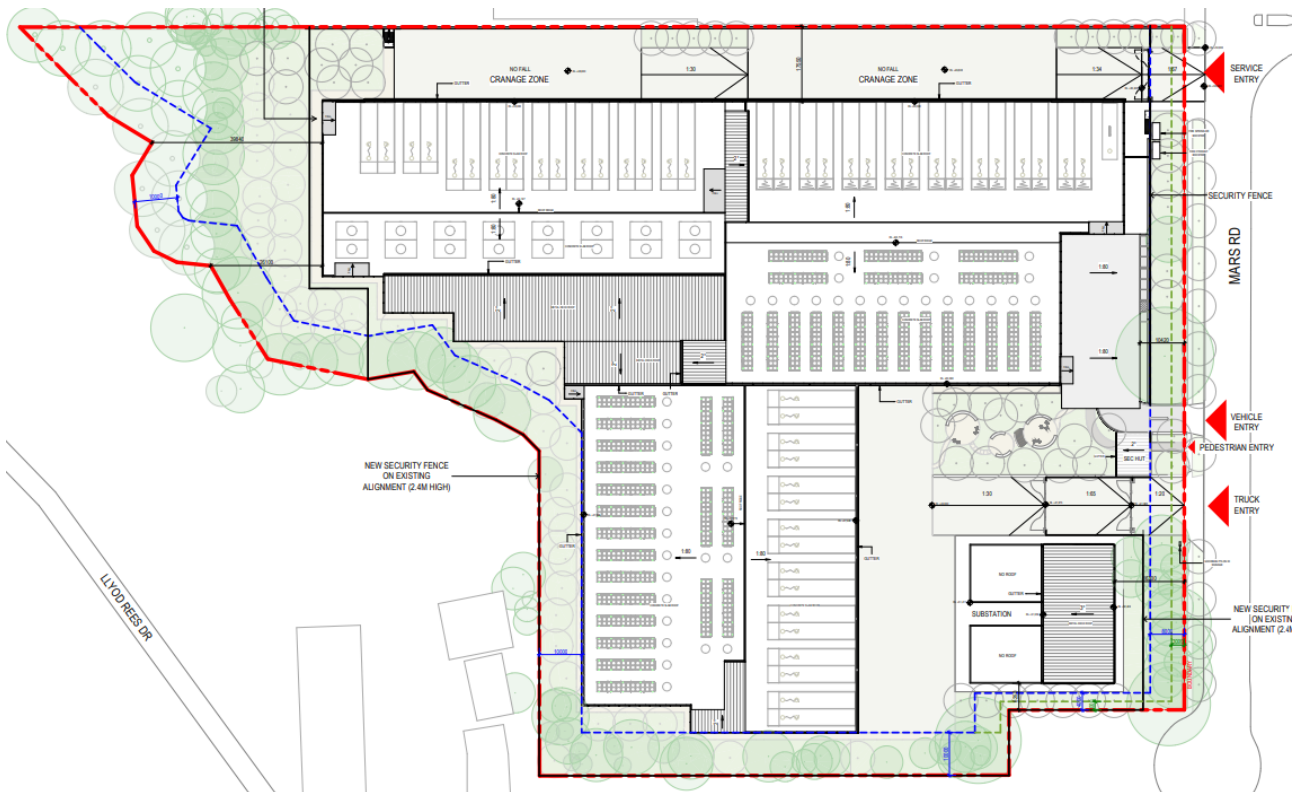
- water tanks
- substations on site
- Vehicle and pedestrian access provided via Mars Road
- Associated landscaping and site servicing

The proposal seeks a maximum height of approximately 28.3 m, which represents a 10.3m metre variation to the maximum height of building control of 18 m set out within the Lane Cove LEP 2009.

Given this exceeds the *Lane Cove Local Environmental Plan 2009 (2010 EPI 49) (LCLEP)* control, a request to vary the height of buildings development standard under Clause 4.6 of the LCLEP has been prepared.

The site plan is extracted from the Architectural Plans, attached as **Appendix B** to the EIS, and pictured in Figure 4 below.

Figure 4 Site Plan



Source: HDR, 2025

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

3. What is the planning instrument you are seeking to vary?

Lane Cove Local Environmental Plan 2009 (2010 EPI 49) (LCLEP)

4. What is the site's zoning?

The site is zoned E4 General Industrial as pictured below.

Figure 5 Zoning Map



Source: Urbis

5. What is the development standard to be varied?

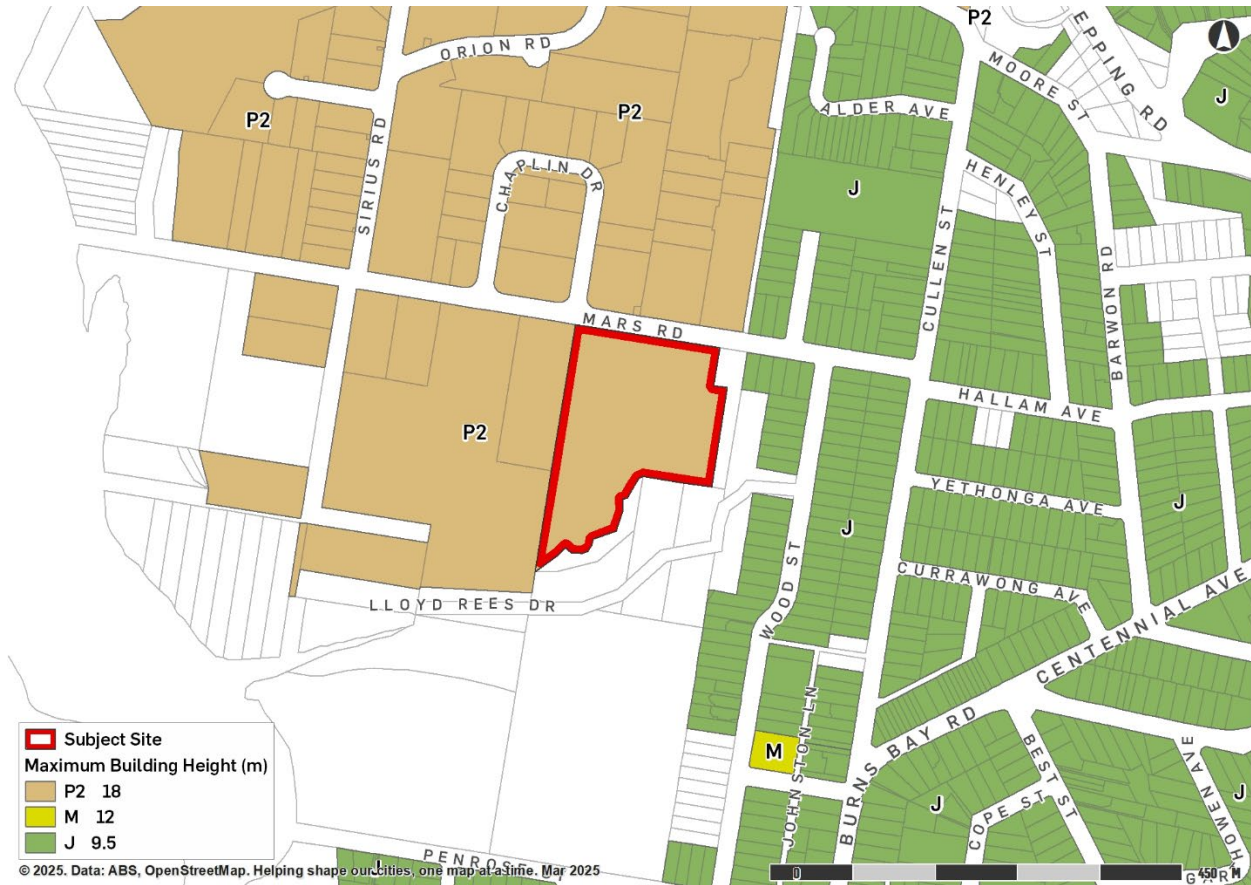
Clause 4.3 Height of buildings of the Lane Cove Local Environmental Plan 2009 (2010 EPI 49).

The objectives of the clause are:

- (a) to ensure development allows for reasonable solar access to existing buildings and public areas,
- (b) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,
- (c) to seek alternative design solutions in order to maximise the potential sunlight for the public domain,
- (d) to relate development to topography.

The maximum Height shown for the site on the Height of Buildings map is 18m, as seen below.

Figure 6 Height of Buildings Map



Source: Urbis

6. Type of development standard?

The standard is a 'numerical' development standard.

7. What is the numeric value of the development standard in the environmental planning instrument?

The maximum building height that applies to the site is 18m.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

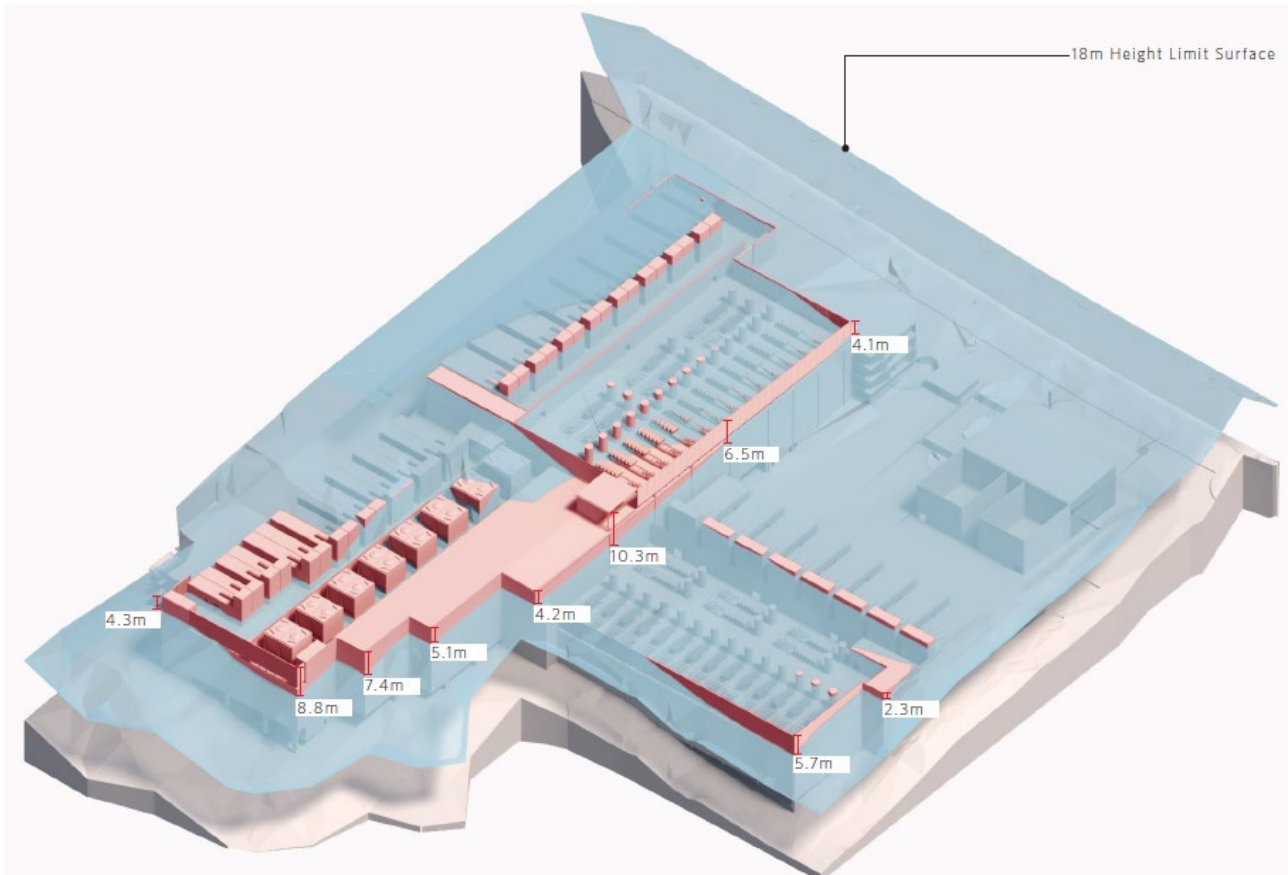
The proposal has a maximum height of approximately 28.3 m, which represents a maximum height variation of 10.3m (57.2%) compared to the maximum height of building control of 18 m set out within the Lane Cove LEP 2009.

While the maximum height variation is 10.3 m, this extent of height variation is limited to a small portion located towards the centre of the site, with only small variations proposed along Mars Road and the site's eastern boundary.

9. Visual representation of the proposed variation

The below axonometric shows the proposed height variation above the 18 m maximum building height plane.

Figure 7 Visual representation of the proposed variation



Source: HDR

JUSTIFICATION FOR THE PROPOSED VARIATION

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary. These include the following:

- (a) That the objectives of the development standard are met notwithstanding the non-compliance.
- (b) That the underlying objectives or purpose of the development standard is not relevant to the development.
- (c) That the underlying objective or purpose would be defeated or thwarted if compliance was required.
- (d) That the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.
- (e) That the zoning of the land is unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary.

An applicant must satisfy at least one. It is noted that the list is not exhaustive – there may be other ways available.

The proposal seeks to rely on the first way – i.e. by demonstrating that the '*objectives of the development standard are achieved notwithstanding the non-compliance*'.

a) Are the objectives of the development standard achieved notwithstanding the non-compliance?

The objectives of clause 4.3 of the Lane Cove LEP 2009 are as follows:

- (a) to ensure development allows for reasonable solar access to existing buildings and public areas,**

An overshadowing analysis has been undertaken by HDR and is provided at **Figure 8** and **Figure 9** below, comparing the longest shadows cast by the proposed development compared with the overshadowing that would result from a development that sits within the 18-metre height plane.

The diagrams indicate that overshadowing will mainly occur to the east and south during the winter solstice however some shadowing will also occur at the summer solstice. Whilst shadowing will occur to the west of the site, this interface is used for industrial purposes which do not require solar access protection. Further east of the site there is land zoned R2 Low Density Residential. However, as shown in the shadow analysis the proposed development does not result in overshadowing into the rear of these properties.

As shown in the overshadowing analysis, the additional overshadowing resulting from the built form massing above the 18 m height plane is minimal and will fall mostly on the car parking and structures associated with the Lane Cove Council Depot and is therefore considered satisfactory. No unacceptable impacts result from the height departure.

The land to the south and east of the site is zoned C2 Environmental Conservation and includes various shade resistant plant species. Overshadowing was considered throughout the design phase, and minor increases in shadowing are expected, especially during winter months. Typically, increased shadowing may reduce the viability of adjacent habitat due to edge effects, notably changes in species composition that favour more mesic species. However, given the limited extent of additional shading and the urbanised character of the site and its surroundings, the anticipated impacts on adjacent native vegetation are considered minor.

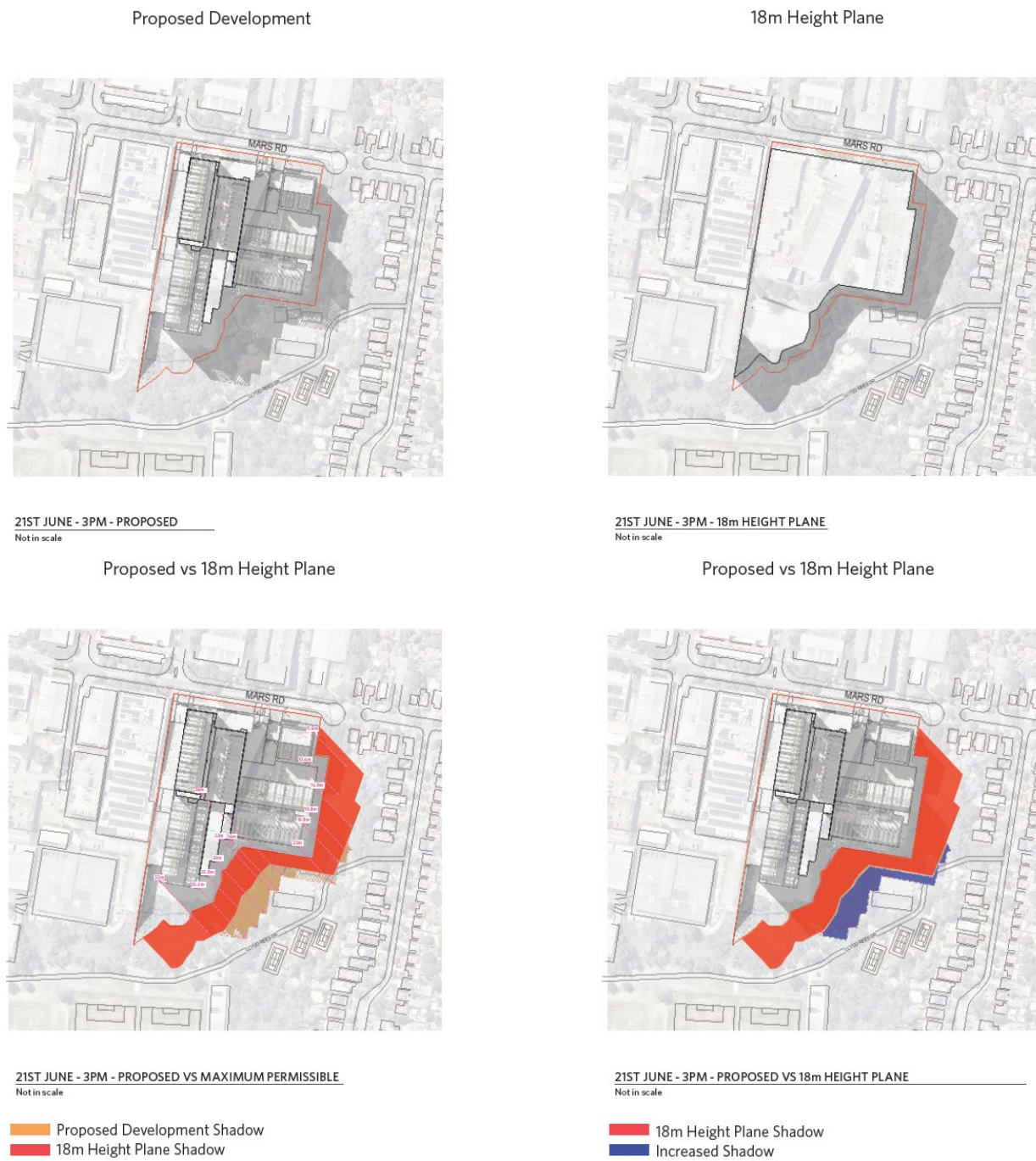
Given the limited extent of additional shading, and the urbanised character of the site and its surrounds, the anticipated impacts to adjacent native vegetation are considered minor. The vegetation community present (PCT 3592 – Sydney Coastal Enriched Sandstone Forest) typically comprises a mix of sclerophyllous and mesic species, including canopy dominants such as *Angophora costata*, *Corymbia gummifera*, *Eucalyptus piperita* and *Eucalyptus pilularis*, with a diverse understorey of ferns, vines, and shade-tolerant shrubs. The occurrence of species such as *Pittosporum undulatum*, *Homalanthus populifolius*,

Asplenium australasicum, and Sticherus flabellatus within the subject land suggests a degree of ecological resilience to incremental changes in light availability. These species are well-adapted to the sheltered microclimates and enriched sandstone-derived soils typical of this PCT. As such, the ecological function, species composition, and regenerative capacity of adjacent remnant vegetation are unlikely to be significantly compromised. Refer to **Appendix S (BDAR)**.

The local community nursery is located adjacent to the east of the site. As shown in the shadow diagrams, the proposed development will result in minor overshadowing to this site at or just before 3pm at midwinter and at the summer solstice. **However, this shadow is cast by the substation in the north-eastern corner of the site which sits at a maximum height of 14m, well below the 18m height limit applicable.**

Overall, the shadowing impacts of the proposal have been minimised and the proposed additional height over the height control will not result in any adverse solar access impacts to existing buildings and public areas.

Figure 8 Shadow Diagram – 21 June



Source: HDR, 2025

Figure 9 Shadow Diagram – 21 December

Proposed Development

18m Height Plane



21ST DECEMBER - 3PM - PROPOSED
Not in scale

21ST DECEMBER - 3PM - 18m HEIGHT PLANE
Not in scale

Proposed vs 18m Height Plane Shadow

Proposed vs 18m Height Plane Shadow



21ST DECEMBER - 3PM - PROPOSED VS 18m HEIGHT PLANE
Not in scale

21ST DECEMBER - 3PM - EXTRA OVER PROPOSED VS 18m HEIGHT PLANE
Not in scale

Proposed Development Shadow
18m Height Plane

18m Height Plane Shadow
Increased Shadow

Source: HDR, 2025

(a) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,

The site is located within the Lane Cove West Industrial area and is surrounded by large industrial buildings to the north and west. An area zoned C2 Environmental Conservation is located to the east and south of the site. Residential properties (single and two storey dwellings) are located further east. A public recreation area (Blackman Park) is located to the south of the Environmental Conservation zoned land. A small public recreation area (Lane Cove Community Nursery and Eco Gardens) also directly adjoins the north-eastern corner of the site.

The proposed development comprises the demolition of the existing buildings on the site and the construction of a three-storey data centre building. Additional massing is proposed within the eastern part of

the site. However, the building massing will be focussed towards the central part of the site and close to the western boundary near the site's interface with surrounding industrial buildings. A generous setback is proposed to the southern boundary of the site. Setbacks are also proposed to the eastern and northern boundaries.

The proposed massing strategy comprises a considered and varied approach that appropriately responds to the site's context whilst satisfying future operational requirements. A stepped approach is proposed, which responds to the change in site levels from north to south and east to west. The proposed approach will ensure that the building is well-integrated with the site's landscape setting and minimises the visual prominence of the built form and overshadowing.

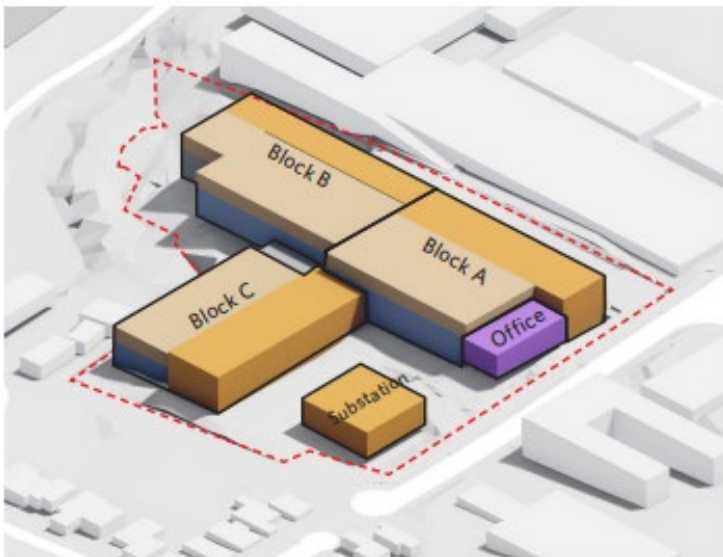
The stepped massing approach is shown in the images below.

Block A is three storeys in height with mechanical plant located at roof level. However, the ground floor level will be located below the existing Mars Road natural ground level. Accordingly, Block A will present as a two-storey building (with mechanical plant at roof top level) when viewed from Mars Road to the north.

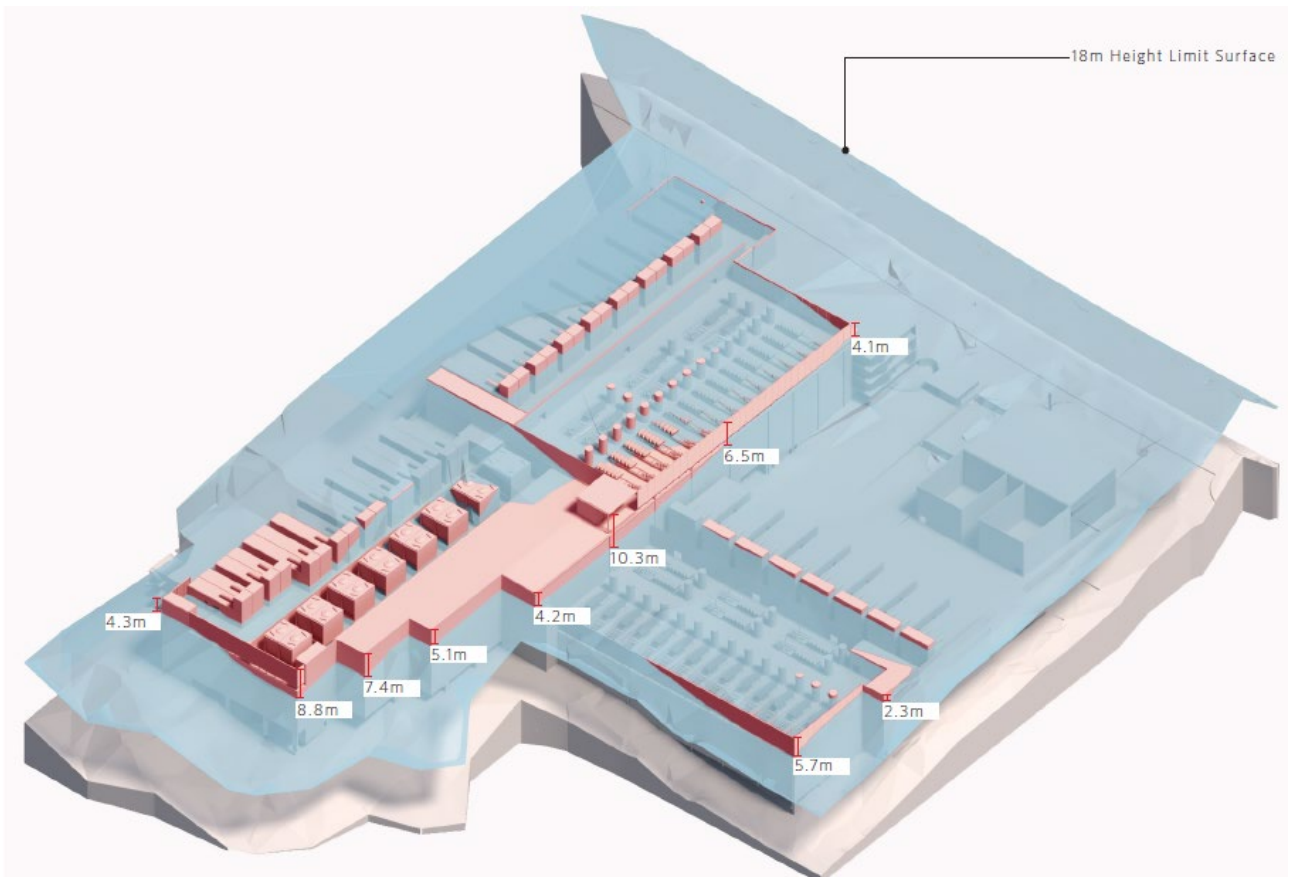
The proposed built form transitions to a two-storey building in Block B (with mechanical plant on roof level) in response to the topography of the site, which slopes down towards Blackman Park and the Lane Cove River to the south.

Block C, which extends from the centre of the site towards the eastern boundary, will have a two storey form (lower ground and ground floor). A significant part of Block C will be constructed beneath the existing natural ground level to minimise visual and overshadowing impacts. Additionally, the adjoining back-up generators will be located more than 6.5 metres beneath the maximum building height control for the site. The height of the back-up generators will be lower than the adjoining Block C data hall, providing a varied massing approach.

Figure 10 – Block Arrangement



Source: HDR, 2025



Source: HDR

The data centre will be taller than surrounding industrial buildings within the Lane Cove West Industrial Area. Notwithstanding, the proposal will not comprise a significant ‘step-change’ from surrounding industrial development and will remain fully compatible with the character of the Lane Cove West Industrial Area. The proposed bulk and scale of the development is commensurate with that of many data centre facilities (which require large data halls and supporting infrastructure) and other contemporary industrial buildings in similar industrial areas within Greater Sydney.

It is also highlighted that the permissible Floor Space Ratio (FSR) for the site is 1:1. The proposal has an FSR of 0.65:1 well below the maximum permissible FSR.

The built form along the Mars Road frontage will fully comply with the existing height control. Upper-level setbacks will minimise visual and overshadowing impacts and provide visual interest within the site. The proposed variations to the building height control are predominantly located towards the centre of the site and away from sensitive receivers (only a very small variation is proposed near the site’s eastern boundary).

The VIA provides specific consideration to the visual effects of the proposed building massing located above the 18-metre maximum height plane (shown red in the photomontage images – Refer to the VIA at Appendix N).

In Viewpoints 02 and 07 (see Figure 11 and Figure 12 below), the additional building massing located above the maximum height plane will block a small section of open sky and add a minor amount of new built form to the view. However, this building massing will not block effects on scenic or heritage items and will not contribute any additional visual effects to those generated by the compliant parts of the development. From the other assessed locations, the additional building massing above the height plane is not visible and does not generate any visual effects.

Figure 11 Viewpoint 2 photomontage (visual effects)



Source: Urbis (2025)

Figure 12 Viewpoint 7 photomontage (visual effects)



Source: Urbis (2025)

(b) to seek alternative design solutions in order to maximise the potential sunlight for the public domain,

The bulk and scale of the development has been informed by the operational requirements of the data centre. Back-up generators and mechanical plant at rooftop level are critical to the viability of the development. The proposed massing will allow the development potential of this highly accessible brownfield site to be optimised and enable generous landscaped setbacks to be incorporated within the south of the site and to the eastern and northern boundaries. Strict compliance with the maximum height control would ultimately necessitate an extension of the building footprint elsewhere within the site, which would reduce the setbacks and result in the removal of additional vegetation and other potentially adverse impacts including potential equivalent overshadowing impacts on surrounding C2 zoned land.

Critically, the massing strategy and layout of the proposed development seeks to concentrate the building form towards the western boundary (i.e. close to the industrial interface) and within the central part of the site. The design of the data centre limits the extent of the building façade (and back-up generators) along the eastern boundary of the site and includes a significant break in the massing between Block C and the substation, minimising environmental impacts to more sensitive receivers to the east of the site. The configuration of the proposed data centre including its T-Shape configuration and stepped massing approach also create several significant breaks in the building massing (providing visual relief) and breaks the overall scale of the building.

The substation will be significantly lower than the maximum building height for the site and located within the lowest part of the site's northern frontage. The setting of the substation will ensure that is well-integrated within the site landscaping to minimise its prominence in views from Mars Road. The large existing trees located along the northern boundary of the site will be retained as part of the proposed development.

As discussed above, the proposed massing strategy comprises a considered and varied approach that appropriately responds to the site's context whilst satisfying future operational requirements. A stepped approach is proposed, which responds to the change in site levels from north to south and east to west. The proposed approach will ensure that the building is well-integrated with the site's landscape setting and minimises the visual prominence of the built form and maximises the potential sunlight for the public domain.

(c) to relate development to topography.

The proposed data centre will result in height exceedances at varying locations and to varying extents across the site, due to the site topography, which slopes down towards Blackman Park and the Lane Cove River to the south.

The design responds sensitively to the site's natural topography, with the massing placed where the land falls away, effectively reducing the visual impact along Mars Road. The building's elevation also makes effective use of the site's natural topography to screen car parking areas from view and to preserve the mature lemon-scented gum tree at the northern boundary

A balanced cut-and-fill approach helps embed the building into the landscape, using existing topography and retained structures to minimise disruption.

The design of the proposed data centre responds to the site context by limiting the extent of the building façade and back-up generators near sensitive receivers to the east of the site. A generous setback is also proposed to the southern boundary with the building massing predominantly concentrated towards the centre of the site and near its interface with less sensitive adjoining industrial uses to the west. **The bulk and scale of the proposed development is commensurate with contemporary industrial buildings within Sydney and responds to the existing topography to minimise visual impacts.**

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

The NSW Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, assists in considering whether there are sufficient environmental planning grounds to justify a contravention to a development standard. Preston J observed:

“...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development”

As set out below, the extent of the FSR variation is supportable on the following environmental planning grounds:

Consistency with the relevant Objects of the Act

- (a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources**

The bulk and scale of the development has been designed to best serve the proposed data centre use of the land in a zone and location that is suitable for this purpose.

Locating the additional data centre height and related massing in this location, in an industrial zone that can be adequately serviced by critical utility infrastructure including power and water, and on a brownfield site, will generate efficiencies in infrastructure provision and cater to data centre storage capacity that would otherwise be located on greenfield sites, resulting in inefficient land use and contribution to urban sprawl.

- (b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,**

The proposed design is energy efficient and the additional height will mostly accommodate roof level plant and structure to accommodate equipment.

An average annual Power Usage Effectiveness (PUE) of 1.35 (using ASHRAE Recommended conditions) is targeted, which places the proposed development at NABERS Energy Stars rating between 4.5 and 5 stars, better than the SEARs requirement for the data centre to achieve a minimum NABERS Energy rating of 3 stars.

The ESD principles defined in Clause 193 of the EP&A Regulation 2021 have been considered in the design and ongoing operation of the proposal.

The Precautionary Principle:

Risks posed by construction shall be addressed through the development of required management plans to identify potential hazards and aspects on the site and detail appropriate control measures to eliminate or reduce potential risks.

Environmental risk factors have been identified in an ecological assessment, to identify any landscape features and native fauna and flora, assess their extent, type and presence of any threatened species, and to make recommendations on measure to avoid and minimise impacts on biodiversity on the site.

The operation of a data centre has no inherent risk to the environment. However, data centres do consume large amounts of electricity. The proposed scale of the Data Centre, including the additional height above the 18 m height plane, will enable a Data Centre design that targets various sustainability measures covering aspects from energy and water consumption, and impact on environment, including the optimisation of mechanical services design and requirement of energy efficient data centre equipment, which would minimise the impact of the development on the environment in the long term.

Given the above, the additional height proposed will have no adverse impacts on the sustainability and environmental risk.

Inter-generational equity:

The proposed development aims to reduce energy and water usage whilst minimising waste. The building systems are optimised so that energy and water consumption is minimised through various efficiency measures.

The building as designed will achieve the requirements of Section J of the National Construction Code, including the minimum standards outlined in Part J4 (Building Fabric) of the NCC 2022 for conditioned areas. The design will enhance the façade, reduce thermal loads, and minimise carbon emissions, ensuring that the development results in an environmentally sustainable building with energy-efficient operations.

Conservation of biological diversity and ecological integrity:

The Biodiversity Development Assessment Report (BDAR) prepared by SLR has been prepared that states that the proposal will not result in unacceptable impacts to the local biodiversity on or surrounding the site.

The land to the south and east of the site is zoned C2 Environmental Conservation and includes various shade resistant plant species. Overshadowing was considered throughout the design phase, and minor increases in shadowing are expected, especially during winter months. Typically, increased shadowing may reduce the viability of adjacent habitat due to edge effects, notably changes in species composition that favour more mesic species. However, given the limited extent of additional shading and the urbanised character of the site and its surroundings, the anticipated impacts on adjacent native vegetation are considered minor.

Given the limited extent of additional shading, and the urbanised character of the site and its surrounds, the anticipated impacts to adjacent native vegetation are considered minor. The vegetation community present (PCT 3592 – Sydney Coastal Enriched Sandstone Forest) typically comprises a mix of sclerophyllous and mesic species, including canopy dominants such as *Angophora costata*, *Corymbia gummifera*, *Eucalyptus piperita* and *Eucalyptus pilularis*, with a diverse understorey of ferns, vines, and shade-tolerant shrubs. The occurrence of species such as *Pittosporum undulatum*, *Homalanthus populifolius*, *Asplenium australasicum*, and *Sticherus flabellatus* within the subject land suggests a degree of ecological resilience to incremental changes in light availability. These species are well-adapted to the sheltered microclimates and enriched sandstone-derived soils typical of this PCT. As such, the ecological function, species composition, and regenerative capacity of adjacent remnant vegetation are unlikely to be significantly compromised. Refer to **Appendix S (BDAR)**.

Improved valuation, pricing and incentive mechanisms:

A Waste Management Plan will be implemented to establish recycling and landfill waste streams during the construction phase of the proposed development.

In addition, measures to reduce water and electricity consumption including procuring high-efficiency cooling systems, energy efficient IT equipment, rainwater capture and water reuse in the proposed design reduces consumption of resources by the development.

The project's environmental objectives are by first implemented via passive design measures in the building fabric, including high performance glazing, wall insulation, and roof insulation. Subsequently, more cost-effective building systems have also been considered.

(c) To promote the orderly and economic use and development of land

Operators of data centres require scale to meet the significant demand for their customers.

A 81MW building targets hyperscale operators. For the proposed data centre to meet market requirements, a minimum of 81MW capacity is needed, which requires the proposed scale of development.

The subject site has been selected for the proposed data centre development for several strategic reasons:

- The site can be adequately serviced by the critical utility infrastructure required for the Data Centre including power and water.
- The data centre's proximity to the CBD and dense urban environment is necessary to deliver low latency connections to the operators customers.
- Situating the data centre on this site leverages its location within an existing industrial area.

The proposal will promote the orderly and economic use and development of a well-suited and well-located site for data centre development in response to significant market demand from customers.

If the proposal was to be reduced in scale to the 18 m height standard, it would not make best use of the infrastructure and services in this well-suited location. The proposed height exceedances do not cause material impacts to neighbouring uses, particularly overshadowing and visual impact, or the urban context and represents an orderly and economic use and development of the land.

(e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats

The Biodiversity Development Assessment Report (BDAR) prepared by SLR has been prepared that states that the proposal will not result in serious impacts to the local biodiversity on or surrounding the site.

The BDAR confirms that the additional shading to the neighbouring bushland resulting from the built form above the 18-metre height plane will not affect the health and ongoing viability of the plant species. Further, the incremental additional shadowing will not significantly compromise the ecological function, species composition, and regenerative capacity of adjacent remnant vegetation. Refer to **Appendix S (BDAR)**.

(f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

The proposed height of the proposal above the 18-metre height plane will not have any material impact on the capacity of the site to accommodate the proposed development in relation to heritage or Aboriginal cultural heritage. The additional height on the land does not result in additional built and cultural heritage impacts beyond those resulting from a compliant scheme.

(g) To promote good design and amenity of the built environment,

An extensive assessment of environmental impacts (including bulk and scale, overshadowing and visual impact) has been undertaken to ensure any adverse environmental impacts of the proposal and increased height on nearby land uses is minimised. The proposed built form is of a high design quality, dividing the built elements into distinct separate 'blocks' such to break down the form and massing of the building. A reduction in the height of the proposal would not result in an improved design or amenity outcome.

(h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The proposal will be supported by a range of construction and operational plans of management to ensure the protection of the health and safety of its occupants.

(j) To provide increased opportunity for community participation in environmental planning and assessment.

Community and stakeholder engagement has been undertaken by the Project Team in the preparation of the proposal. It is anticipated that further engagement and consultation will occur during the assessment of the SSDA.

Environmental Impacts have been identified and minimised

An overshadowing analysis confirms minimal additional shadowing, primarily affecting non-sensitive areas such as car parks and industrial zones. The ecological assessment ensures that additional shading will not harm local plant species or fauna. The design retains significant mature trees and integrates the building into the landscape to minimise disruption.

The building's massing is strategically placed to reduce visual prominence and overshadowing. The stepped design aligns with the site's topography, ensuring compatibility with the surrounding industrial area and minimising visual impacts on residential zones. The building massing will not block effects on scenic or heritage items and will not contribute any additional visual effects to those generated by the compliant parts of the development.

Consistency with planning strategy

The variation to the development control will support the achievement of strategic objectives aligned with Industrial lands and high technology uses in strategically located areas.

The additional height will support the commercial feasibility of the development and enable this well-located site to service a hyperscale data centre operation. Strict compliance with the standard will reduce the efficiency of the data centre and its ability to service the high demand for data storage space.

In particular, the development, including the proposed height non-compliance, will promote the orderly and economic use and development of land by providing for a multi-storey data centre development that will generate employment and contribute to the economic function of the Lane Cove Industrial Area. The additional height will achieve good design while minimising amenity outcomes on neighbouring uses.

The proposal is aligned with sustainability commitments including a NABERS agreement which demonstrates that the development is able to achieve a NABERS energy stars rating between 4.5 and 5 stars. The proposal will intensify data centre use in a location within the highest demand zone in Australia, close to available power infrastructure as well as other services and utilities, without generating any significant environmental or amenity impacts. The proposed development, including the additional height sought, will assist in meeting the significant and growing demand for highly reliable data storage services in NSW and promote the orderly and economic use and development of a well-suited and well-located site for data centre development.

The proposed development aligns with broader strategic planning goals outlined in the Greater Sydney Region Plan and North District Plan, which encourage investment and business activity within Sydney and safeguarding industrial land as well as accommodating emerging future industries.

The establishment of a new high-technology development in the Lane Cove West Industrial Area seeks to satisfy this priority on the site and safeguard the industrial use of the site through the introduction of a fast-growing and high-demand industry.

12. Is there any other relevant information relating to justifying a variation of the development standard?

It has been demonstrated that compliance with the height of buildings development standard is unnecessary and unreasonable given the specific circumstances of the proposal. Clear environmental planning grounds have been provided that justify contravening the development standard.

The proposal is in the public interest because it is consistent with the relevant Objects of the Act and the objectives of the Height Buildings development standard.

The key justifications for the proposed variation include:

- The overshadowing analysis indicates minimal additional shadowing, primarily affecting non-sensitive areas such as car parks and industrial zones. The ecological assessment ensures that additional shading will not harm local plant species or fauna.
- The design strategically places the building massing to reduce visual prominence and overshadowing. The stepped design aligns with the site's topography, ensuring compatibility with the surrounding industrial area and minimising visual impacts on residential zones.
- The proposed massing strategy optimises the development potential of the site while incorporating generous landscaped setbacks. This approach minimises environmental impacts and maximises sunlight for the public domain.
- The design responds sensitively to the site's natural topography, embedding the building into the landscape.
- The proposal aligns with the relevant Objects of the Act, promoting social and economic welfare, ecologically sustainable development, and the orderly and economic use of land. The design targets high energy efficiency and sustainability measures, ensuring minimal environmental impact.
- The development supports strategic objectives for industrial lands and high-technology uses, contributing to the economic function of the Lane Cove Industrial Area. It aligns with broader planning goals, promoting investment and safeguarding industrial land.

Overall, and for the reasons set out above, the proposed development represents a positive outcome for the site, and the variation to the FSR development standard is therefore justified and appropriate.

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