

**SYDNEY WESTERN CITY PLANNING PANEL
(Sydney South West Region)**

JRPP No	2017SSW036
DA Number	610/2017
Local Government Area	Camden
Proposed Development	Construction and use as a data centre, including carparking, landscaping and associated works
Street Address	42B Bluett Drive, Smeaton Grange
Applicant	Greenbox Architecture
Owner	The Trust Company Limited
Number of Submissions	No submissions were received.
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value > \$20 million CIV - \$39,641,229 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and conditions • Statement of environment effects • Clause 4.6 written request • Architectural plans • Civil Engineering plans

	<ul style="list-style-type: none"> • Landscaping plans
Report prepared by	Adam Sampson, Executive Planner Development Assessment (East)
Report Date	21 December 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

<p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report?</p> <p>e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP.</p>	Yes
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Clause 4.6 Exceptions to development standards

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

Does the DA require Special Infrastructure Contributions (S94EF)?	No
Note: Certain Das in the Western Sydney Growth Areas Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions.	

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
Note: in order to reduce delays in determinations, the Panel prefers that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.	

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel) determination of a development application (DA) for the construction and use as a data centre, including carparking, landscaping and associated works.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$39,641,249 million which exceeds the CIV threshold of \$20 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel support the written request lodged pursuant to Clause 4.6 of *Camden Local Environmental Plan 2010* to the maximum building height and determine DA 610/2017 for the construction and use as a data centre, including carparking, landscaping and associated works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for construction and use as a data centre, including carparking, landscaping and associated works at 42B Bluett Drive, Smeaton Grange.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 7th June 2017 to 6th July 2017. Within this exhibition period, no submissions were received.

The application proposes variations to:

- 1) Clause 4.6 of Camden Local Environmental Plan 2010 with the development seeking a maximum building height of 20.85 metres, exceeding the maximum building height of 11 metres.

The additional building height is the result of containing all associated plant and equipment within the building envelope, with the highest elements of the built form being the air exhaust doghouses which run the full length of the building. The air exhaust doghouses are the acoustic enclosures sitting above the main roof line, which attenuate noise generated by exhaust fans servicing the development. The height of these elements are driven primarily by the strict noise emission requirements across the subject site. The location of residential allotments within close proximity to the site requires a significant level of noise attenuation to the air exhausts. The attenuation measures require building volume and increased height, which is reflected in the increased height of the dog houses. Ultimately, the increase in building height will assist in the mitigation of noise impact on noise sensitive receivers.

The additional building height is also required for air intake to allow for the cooling of the overall facility. The data centre operator utilizes full outside air cooling as standard to reduce the overall energy consumption of the data centre when compared to traditional data centres. Chilled water plant is only used to provide trimming of ambient conditions under extreme scenarios. The provision of cooling from outside air requires an increase in floor to floor height in order to accommodate the large volume of air required, as well as the specialised plant and equipment contained within the data centre.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

IMAGE 1 - AERIAL SITE PHOTO



Endeavour Energy substation and switching station

THE SITE

The site is commonly known as 42B Bluett Drive, Smeaton Grange and is legally described as Lot 4332 DP: 1194022, with the development site located within the north east corner of the Smeaton Grange Industrial Area.

The site is irregular in shape due to the past subdivision of land creating a battle axe allotment and the curvature of the southern allotment boundary, which is adjacent to Kenny Creek. The site has an overall area of 6.78 hectares.

The site is largely free from vegetation and is relatively flat from previous compaction under an earlier subdivision approval. Currently the site is occupied by another data centre building at the south west corner of the site with extensive areas of hardstand in the middle of the site. In addition, an Endeavour Energy substation and switching station is located at the south east corner of the site.

A bus depot is located to the north west of the site with other industrial land uses to the north west. To the south east and south west of the site, Kenny Creek is located. Further to the north of the site, the Turner Road Precinct and Gregory Hills residential areas are located. Further to the south east of the site, the residential area of Currans Hill is located.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
28 October 2004	Development consent granted for the creation of 52 industrial lots, 3 residue lots, 1 drainage reserve lot, new roads in 3 stages subject to DA2003/1127.
27 February 2014	Development consent granted for the subdivision to create two industrial lots subject to DA/2014/37/1.
2 May 2014	Development consent granted for the construction of a warehouse building, car parking, landscaping and associated site works subject to DA/2014/83/1.
5 May 2014	Development consent granted for the fitout and use of an existing warehouse building as a data storage centre subject to DA/2014/84/1.
23 June 2015	Development consent granted to the subdivision of land to create an allotment 3,023m ² in area to accommodate an Endeavour Energy substation and switching station subject to DA/2015/219.

THE PROPOSAL

DA 610/2017 seeks approval for the construction and use as a data centre, including carparking, landscaping and associated works.

Specifically the proposed development involves:

- Proposed construction and use of a data centre building with a ground floor area of 4,957m² and first floor area of 5,136m².

The building will be constructed of masonry, glazing and colourbond, with a colourbond roof. Wall cladding will consist of colourbond and painted concrete panels. The building will achieve a 20.85 metre height at the ridgeline.
- Enclosed chiller yard to house six chilling units and three standby generators and enclosed generator yard to house 26 standby diesel generators.
- Loading and unloading receiving area located at the north east corner of the building.
- Carparking for 48 carspaces.
- 24 hour operation, seven days a week.
- Employment for ten staff.

The fitout of the building, including external plant and standby diesel generators will be submitted as separate Complying Development Certificates. The capital investment value of the works is \$39,641,229 million.

The proposed development is related in operation (same operator for data storage purposes under a lease agreement) to the current data centre facility located on the site, with another development application (DA 1310/2017) currently under assessment by Council for another data centre facility located on the front lot (42A Bluett Drive, Smeaton Grange). The proposed development upon 42A Bluett Drive, Smeaton Grange will also be occupied by the same operator.

PROPOSED PLANS

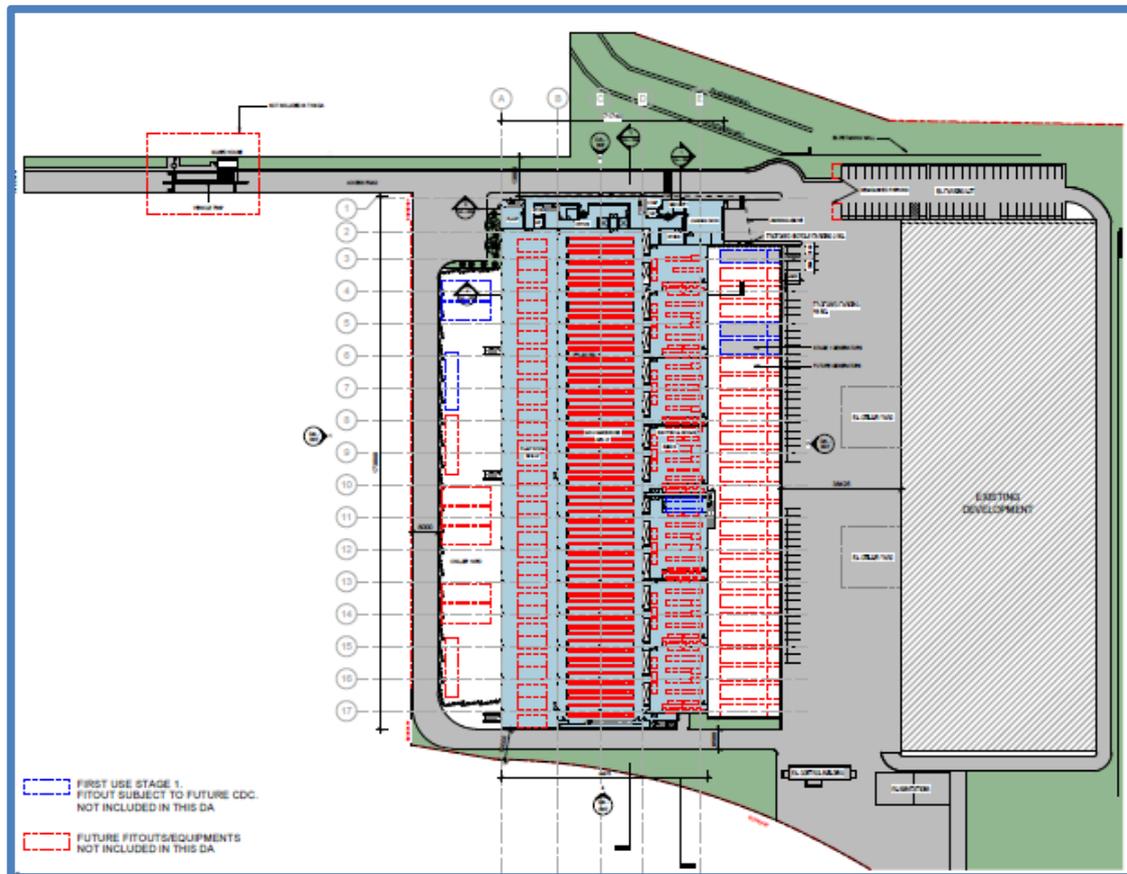


IMAGE 2 – SITE PLAN



IMAGE 3 – PERSPECTIVE FROM BLUETT DRIVE



IMAGE 4 – PERSPECTIVE FROM TURNER ROAD

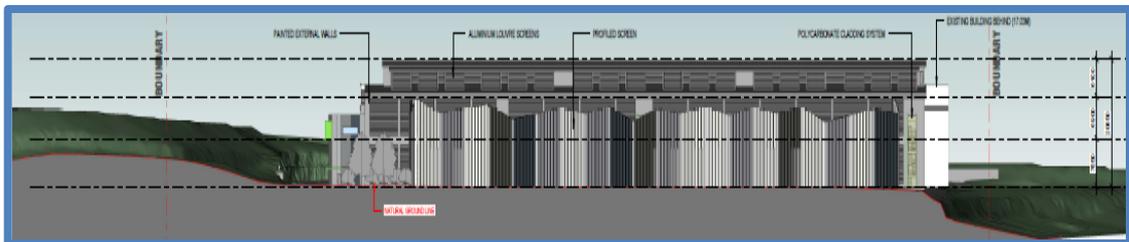


IMAGE 5 – WEST ELEVATION



IMAGE 6 – EAST ELEVATION

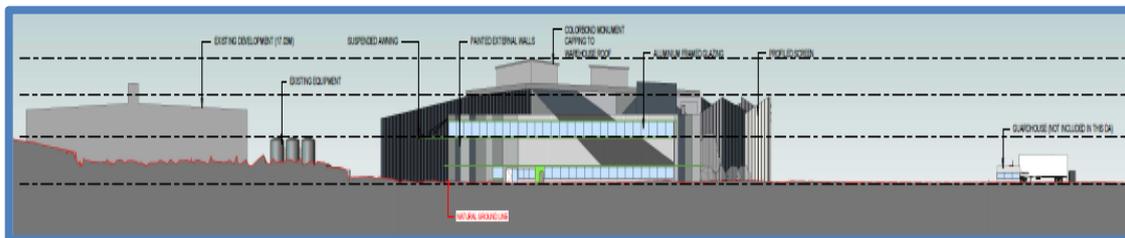


IMAGE 7 – NORTH ELEVATION

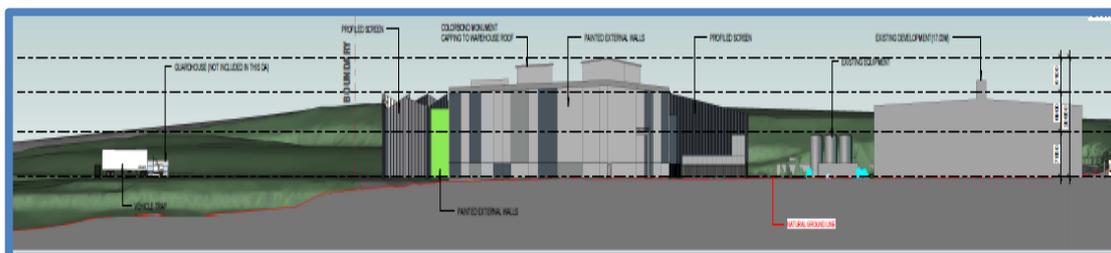


IMAGE 8 – SOUTH ELEVATION

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$39,641,229 million. This exceeds the CIV threshold of \$20 million for Council to determine the DA and therefore it is referred to the Panel for determination.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP)

The SEPP requires Council to assess whether or not the proposed development stores or requires the transport of dangerous goods above its screening thresholds. If any of the SEPP's thresholds are breached, Council must then determine whether or not the proposed development is hazardous or offensive by considering the measures proposed to reduce the impact of the dangerous goods, including setbacks from the site boundaries, in accordance with the SEPP.

The applicant has confirmed that up to 30,000 litres of diesel fuel will be provided on site, with 1,000 litres of fuel provided within belly tanks of each individual standby generator on site. Diesel fuel is classified as a Class 1 dangerous good. Consideration has been made of SEPP 33, including the NSW Planning document 'Hazardous and offensive development application guidelines – Applying SEPP 33'. Within Section 7.1 of the guidelines, it states that:

' If combustible liquids of Class C1 are present on site and are stored in a separate bund or within a storage area where there are no flammable materials stored they are not considered to be potentially hazardous. '

As no other hazardous chemicals are to be stored on site, the storage of diesel fuel within the belly tank of each individual standby generator is in an area where no other flammable liquids are to be stored. Accordingly, the proposed development is not considered to be hazardous or offensive development as defined by the SEPP.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

No remediation is proposed as part of the application, with no identified areas of environmental concern located on the subject property. Accordingly, the proposed development is considered suitable on the subject land.

In addition, a standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

Clause 45 – Determination of development applications – other development

Subject to Clause 45(1)(b) of this SEPP, the consent authority must give written notice to the electrical supply authority for the area in which the development is within or immediately adjacent to an easement for electricity purposes, inviting comments about potential safety risks.

In the south east corner of the site, an Endeavour Energy substation and switching station is located. Due to the proximity of the proposed development to the substation and switching station and for consideration of energy supply requirements, the application was referred to Endeavour Energy for comment.

Endeavour Energy raised no objections to the proposed development, subject to specific conditions addressing matters including network capacity / connection, dial before you dig, public safety and emergency contact. These recommended conditions form part of the conditions of consent for the development.

Clause 104 - Traffic Generating Development

The aim of the SEPP is to provide a consistent planning regime for infrastructure and the provision of services across NSW. Schedule 3 of the SEPP (Infrastructure) lists types of developments that are to be referred to Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network, including classified roads. The proposed development exceeds the thresholds listed within Schedule 3 of the SEPP and accordingly was referred to the RMS on the 13th October 2017.

The RMS raised no objections to the proposed development and provided no specific conditions of consent. The RMS did note that the largest vehicle expected to access the site would be a 19m articulated vehicle, with Bluett Drive an approved 25m B-Double route. However, should larger vehicles (ie. Greater than 19m articulated and up to 25m B-Doubles) propose to access the site via Hartley Road, Currans Hills to the south, of the site, then these traffic movements would be subjected to travel restrictions imposed by the RMS of between 7am and 10pm.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development, as the development will be subject to the implementation of suitable sediment and erosion controls and water management measures such as a Humeceptor gross pollutant trap which will avoid adverse impacts on natural watercourses and ultimately the Hawkesbury – Nepean River system.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned IN1 General Industrial and IN2 Light Industrial under the provisions of the LEP. The proposed development is defined as a “ warehouse or distribution centre ” by the LEP which is a permissible land use within the IN1 General Industrial and IN2 Light Industrial zones.

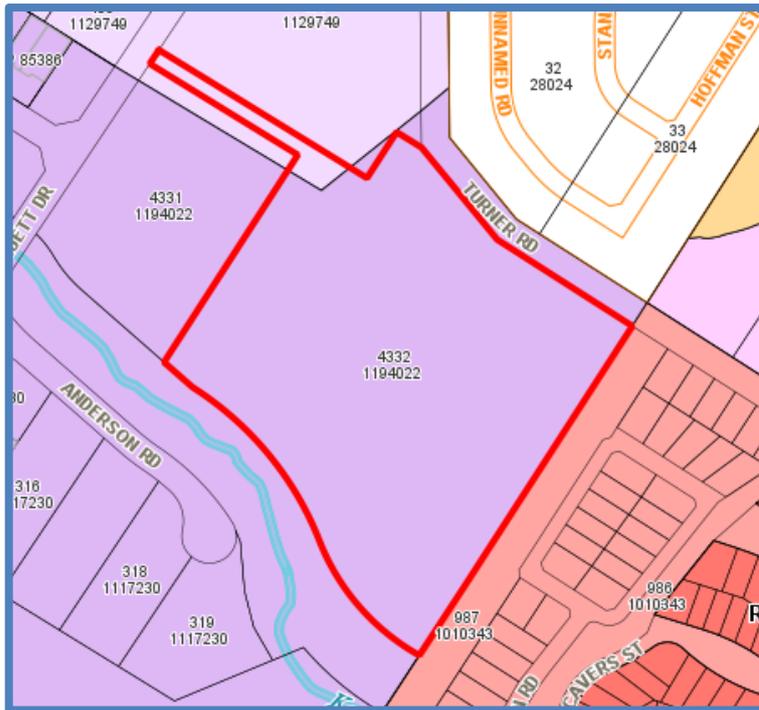


IMAGE 9 – LAND ZONING MAP

Zone Objectives

The objectives of the IN1 General Industrial zone are as follows:

- To provide a wide range of industrial and warehouse land uses.

Officer comment:

The proposed development will provide industrial and storage land uses (data) and therefore is consistent with this objective.

- To encourage employment opportunities.

Officer comment:

The proposed development will generate new employment opportunities for up to ten staff.

- To minimise any adverse effect of industry on other land uses.

Officer comment:

The proposed development has been assessed and subject to recommended conditions relating to the control of offensive noise, it is not considered that it will have any adverse impacts on any other adjoining land uses.

- To support and protect industrial land for industrial uses.

Officer comment:

The development proposes the erection of a large warehouse building for the storage of data. The warehouse building has the ability to be used for the storage of other warehouse goods or be adapted for other industrial uses in the future, should the use as a data centre cease to continue. The design and floor plate of the building will support future industrial uses and protect industrial zoned land use for specific industrial uses.

- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for an industrial land use.

- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for an industrial land use.

The objectives of the IN2 Light Industrial zone are as follows:

- To provide a wide range of light industrial, warehouse and related land uses.

Officer comment:

The proposed development will provide industrial and storage land uses (data) and therefore is consistent with this objective.

- To encourage employment opportunities and to support the viability of centres.

Officer comment:

The proposed development will generate new employment opportunities for up to ten staff by generating a new business to operate on the site. The proposed data centre building is proposed to be wholly erected within the IN1 General Industrial zoned portion of the site.

- To minimise any adverse effect of industry on other land uses.

Officer comment:

The proposed development has been assessed and subject to recommended conditions relating to the control of offensive noise, it is not considered that it will have any adverse impacts on any other adjoining land uses.

- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for an industrial land use.

- To support and protect industrial land for industrial uses.

Officer comment:

The development proposes the erection of a large warehouse building for the storage of data. The warehouse building has the ability to be used for the storage of other warehouse goods or be adapted for other industrial uses in the future, should the use as a data centre cease to continue. The design and floor plate of the building will support future industrial uses and protect industrial zoned land use for specific industrial uses.

- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for an industrial land use.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	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. Maximum 11m building height	20.85m	No – LEP variation 1
4.4 Floor Space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. Maximum 1:1 floor space ratio	0.25 : 1 floor space ratio (inclusive of the existing data centre development)	Yes
4.6 Exceptions	Development consent may,	The applicant has provided written justification for the	Yes

Clause	Requirement	Provided	Compliance
to Development Standards	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.	proposed development standard variation for height.	
7.4 Earthworks	The objectives of this clause are to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and requires consideration of matters relating to effects on drainage patterns, fill quality and amenity of adjoining properties.	<p>Minor earthworks and grading are proposed for the formation of the building and associated stormwater infrastructure.</p> <p>The matters listed by this clause have been considered. Subject to the recommended conditions, the proposed earthworks are considered to be acceptable with regard to them.</p>	Yes

LEP Variation 1 – Building Height

LEP Development Standard

Pursuant to Clause 4.3(2) of the LEP, the maximum building height permitted on this site is 11m. The proposed building is 20.85m high (at its highest point) measured from ridge level to the existing ground level.

Variation Request

Pursuant to Clause 4.6(3) (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request seeking to justify the breach of the maximum building height development standard (Clause 4.3(2)) on the basis that:

- The proposed development is consistent with the existing and desired character of the site and the surrounding area. The industrial land use character will not be impeded nor will the ability for such development to be carried out. Overall, the site provides additional employment lands, and improves the functionality of the site;
- The proposed breach in height will enable an optimal design outcome for the site in facilitating the proposed data centre, which will serve to create a visually coherent built form outcome, with all plant and equipment contained within the building envelope;
- Further, the additional building height will assist in achieving air intake to allow for the cooling of the overall facility. The data centre operator utilizes full outside air cooling as standard in a majority of its facilities across the globe thereby reducing the overall energy consumption of the data centre when compared to traditional data centres. Chill water plant is only used to provide trimming of ambient conditions under extreme scenarios. The provision of cooling from outside air requires an increase in floor to floor height in order to accommodate the large volume of air required and appropriate air and appropriate plant and equipment. Not only will this improve internal amenity, but will ultimately ensure improved environmental outcomes including the reduction in energy consumption and improved overall sustainability;
- The increased massing of the built form is also a function of the attenuation requirements for standby generators, to mitigate noise impact on noise sensitive receivers. The required attenuation measures requires building volume and increased height, which is reflected in the increased building height;
- The development will significantly enhance the industrial viability of the site through supporting the growth and development of the business operating within the site, which will serve the needs of the community through the provision of stable employment opportunities and economic investment. This is achieved through the provision of additional capacity which will contribute to the ongoing success of the business as it seeks to respond to increasing demand;
- The proposal is compatible with surrounding development and the environmental planning framework in terms of visual appearance, scale, design and land use. In this respect, it will not be highly visible and represents a suitable transition from the front to the rear of the site;

- The proposed built form responds to the current user requirements and is consistent with the products being offered by competing IN1 zoned locations throughout Smeaton Grange, Camden Local Government Area and metropolitan Sydney;
- The proposal will support the continued role of industry in South Western Sydney;
- The proposed variation to the building height will minimise the overall site coverage of the building envelope. This will result in a less intrusive design outcome compared to a compliant building height with a larger, more intrusive building footprint;
- The variation is necessary to ensure the operational and functional capacity of the facility is achieved through accommodating the data racks and associated plans, and to ensure adequate ventilation is achieved across the site;
- The proposed development is consistent with the underlying objective or purpose of the standard as demonstrated in Section 3.1;
- The proposed development will not exhibit any adverse impact and will not adversely impact on the amenity of adjoining sites in relation to solar access, privacy or views. As noted in Section 3.3, the breach will not be highly visible from the public domain or surrounding properties;
- By adhering to the 11m development standard, the proposal would not marry with the adjoining built form, and therefore would result in an inconsistent and visually unpleasant design outcome, which consequently would have an unfavourable impact on the visual amenity of the site when viewed from neighbouring properties and the public domain; and
- Compliance with the remaining applicable development standards are achieved.

A copy of the applicant's written request to contravene the maximum building height development standard is provided as an attachment to this report.

Council Staff Assessment

In assessment of the applicant's written request, Council staff have considered the matters of consideration in respect to Clause 4.6. It is considered that the objectives of Clause 4.6(1) have been met. Pursuant to Clause 4.6(4) of the LEP, it is considered that the applicant's justification adequately demonstrates the matters required to be demonstrated by Clause 4.6(3) of the LEP have been met.

Council staff have reviewed the applicants written request and recommend that it be supported for the following reasons:

- Specialised plant and equipment and air volume required to cool equipment has necessitated higher floor to floor heights;
- The additional building height is the result of containing all associated plant and equipment within the building envelope, with the highest elements of the built form being the air exhaust doghouses which run the full length of the building.

The height of these elements are driven primarily by the strict noise emission requirements across the subject site;

- Significant land level differences exist between the proposed development site and adjoining land to the north (adjoining Turner Road) up to 8 metres. As such, the visual presence of tall buildings at this location is offset by the significant level difference, reducing the sense of perceived excessive bulk and scale and presenting buildings that appear to fit comfortably within the industrial landscape;
- The proposed building will be sufficiently articulated and externally treated with different wall finishes and colours to create visual interest and break up large expanses of blank wall areas;
- There is an existing data centre building located on this site, which measures up to 17.03m in height, with other height exceedances granted in Dunn Road and Anderson Road within the Smeaton Grange industrial area for building heights ranging from 14.725m to 17m;
- The development is screened from public view to the east from the adjoining existing data centre building and to the south from Anderson Road from existing dense vegetation along Kenny Creek. Ultimately, this development will also be screened from view to the west through development fronting Bluett Drive upon the current vacant battle axe allotment;
- The additional building height will not result in negative visual or residential amenity impacts upon surrounding properties, nor detract upon views through and across the area;
- Based on the above, it is considered that compliance with the development standard is unnecessary and unreasonable in the circumstances of this particular case and that sufficient environmental planning grounds have been provided to justify contravening the development standard in this instance.
- It is considered that 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 zones in which the development is proposed to be carried out.

Council has the assumed concurrence of the Director General of the Department of Planning and Environment. In this regard, the contravention of the development standard does not raise any matter of significance for State or regional environmental planning. To the extent that there is any public benefit in maintaining the development standards, that benefit is not of determinative weight, noting compliance with Clause 4.6(1) and the matters raised above.

Accordingly, the Panel may determine the LEP variation to maximum building height and it is recommended that the Panel support the proposed variation to the LEP building height development standard.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation control measures have been proposed, which include sediment fencing, sediment traps and shaker grids.	Yes
B1.2 Earthworks	Minimise Cut and fill Use only clean fill	Minor earthworks and grading are proposed for the formation of the building and associated stormwater infrastructure. The levels created are considered to respond to the existing topography of the site. Standard conditions of consent will apply to address any fill material imported to the site.	Yes
B1.3 Salinity Management Plan	Salinity resistant construction	Consideration of salinity has been made within the past subdivision and development of land subject to DA/2003/1127/1.	Yes.
B1.4 Water Management	Ensure compliance with Council's engineering specifications for controls relating to detention, drainage and water sensitive design	The applicant has submitted details of storm water management for the development which have been reviewed by Council staff and are considered to be acceptable. Conditions are recommended to ensure that the proposal complies the Council's Engineering Design Specifications.	Yes. Subject to conditions.
B1.5 Trees and Vegetation	Approval required for the removal of trees and vegetation	The site is vacant. No existing vegetation is located on the subject site.	NA
B1.6 Environmentally	Development on land mapped as environmentally	The site is not mapped as containing areas of	NA

Control	Requirement	Provided	Compliance
Sensitive Land	sensitive must address any impacts on the native vegetative community, habitats, habitat corridors, wetlands and biodiversity values within a reserve.	environmentally sensitive land.	
B1.7 Riparian Corridors	All uses with the exception of environmental protection works, drainage and crossings are prohibited with the core riparian and vegetation buffer zones. Wherever possible and practicable, infrastructure and utility services should be located outside the riparian corridor	No works or uses are proposed within the adjoining Kenny Creek drainage reserve.	NA
B1.8 Environmental and Declared Noxious Weeds	All applications for development, subdivision and bulk earthworks are to consider the need to minimise weed dispersion and to ensure weed infestations are managed during the stages of development.	A standard condition is recommended requiring noxious weeds management in accordance with the DCP.	Yes. Subject to conditions.
B1.9 Waste Management Plan	A waste management plan shall be submitted with any development application seeking consent for development that is likely to generate waste during construction and / or during the ongoing operation of the development.	A suitable waste management plan has been provided with the application.	Yes
B1.10 Bushfire Risk Management	<p>1) A Bushfire Protection and Assessment Report must form part of all development applications on land identified as Bushfire Prone Land on Camden Council's Bushfire Prone Land Map. The report must be in accordance with the requirements of the NSW RFS Planning for Bushfire Protection Guidelines and must outline the proposed development's consistency with:</p> <p>a) RFS Planning for Bushfire Protection Guidelines,</p> <p>b) Australian Standard AS 3959 Construction of Buildings in Bush Fire Prone Areas,</p> <p>c) RFS Building in Bushfire Prone Areas Single Dwelling Applicants Kit for any detached dwelling house or alterations and additions</p>	<p>A bushfire protection assessment has been prepared for the development concluding that the bushfire protection measures proposed will comply with Planning for Bushfire Protection 2006. The DA was referred to the NSW Rural Fire Service under Section 79BA of the <i>Environmental Planning and Assessment Act, 1979</i>.</p> <p>Suggested conditions were provided, including; asset protection zones, utilities and hydrant requirements, property access, evacuation plan, design and construction requirements and landscaping to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.</p>	Yes. Subject to conditions.

Control	Requirement	Provided	Compliance
	<p>to a dwelling house, and</p> <p>d) Building Code of Australia</p> <p>2) Asset Protection Zones must be contained wholly within the subdivision they are designed to protect. The asset protection zones are to be placed as restrictions on the burdened allotments. No habitable buildings or storage structures are permitted within those zones.</p> <p>3) Asset Protection Zones, fire trails and perimeter roads are not permitted on land that is considered or zoned environmentally sensitive.</p>	<p>The suggested conditions from the NSW Rural Fire Service form part of the recommended conditions of consent for the development.</p> <p>The development is required to be managed as an inner protection area. No asset protection zones are proposed or are required to be located upon neighbouring land.</p> <p>No asset protection zones, fire trails or perimeter roads are required to be provided on environmentally sensitive land.</p>	<p>Yes</p> <p>Yes</p>
<p>B1.12 Contaminated and Potentially Contaminated Land Management</p>	<p>An assessment is to be made by the applicant under SEPP No. 55 as to whether the subject land is contaminated prior to the submission of a Development Application.</p>	<p>Please refer to comments within State Environmental Planning Policy – No. 55 Remediation of Land made within earlier sections of this report.</p>	<p>Yes</p>
<p>B1.16 Acoustic Amenity</p>	<p>Subdivision or development for residential purposes near roads, airports, and industrial / commercial uses, shall include a program of appropriate noise attenuation measures to reduce traffic or other noise that potentially will affect residential properties. For roads, noise attenuation measures must be prepared in accordance with Council's Environmental Noise Policy. The program shall predict noise levels for a ten year period and any noise attenuation measures shall address these noise levels.</p>	<p>An acoustic report has been submitted with the DA to consider noise impacts associated with the proposal.</p> <p>Council's Environmental Health Officers have reviewed the acoustic report and are satisfied that the proposal will not have a negative impact upon adjoining residential amenity subject to conditions.</p>	<p>Yes. Subject to conditions.</p>
<p>B2 Landscape Design</p>	<p>A landscape plan is to be submitted for all development that, in Council's opinion, will significantly alter the existing and intended landscape character of the land.</p>	<p>A landscape plan has been submitted. Council's landscape officer has reviewed the plans and has confirmed that the proposed landscaping is satisfactory subject to recommended conditions.</p>	<p>Yes. Subject to conditions.</p>

Control	Requirement	Provided	Compliance
B5.1 Off-street car parking rates and requirements	<p>1 car parking space per 30m² GFA</p> <p>$10,093.6\text{m}^2 / 300\text{m}^2 = 33.64$ 34 carspaces required</p> <p>1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces</p> <p>No requirement for bicycle or motorcycle spaces</p>	<p>48 carspaces</p> <p>2 bicycle spaces</p>	Yes
D4.2.1 Lot sizes and proportions	<p>1) Industrial development shall generally not be carried out on any allotment of industrially – zoned land having an area of less than 2000m². The minimum width of such allotments, at the building line shall be 32m.</p> <p>2) A front building line setback of 7.5m shall be provided.</p> <p>3) Sides and rear setbacks will be assessed on the merits of the application and subject to the requirements of the Building Code of Australia.</p>	<p>6.78 hectares. The width of the allotment expands to greater than 179.35m beyond the access handle.</p> <p>The development is located on the rear battle axe allotment. The development is setback considerably greater than 7.5 metres from the front building line. In addition, the development is setback 8m from the western property boundary.</p> <p>North – 13m South – 10m West – 8m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D4.2.2 Building materials & appearance	<p>1) All elevations and roof surfaces are to be constructed predominately in masonry, textured pre-cast concrete panels or colourbond metal cladding.</p> <p>2) Development, which is free standing or abutting adjoining buildings, must avoid large, blank wall surfaces when viewed from a public place or a residential area. Substantial elevations must be articulated by either structural variation and / or a blend of external finishes and colours and decorative elements.</p>	<p>Walls will be constructed of coloured pre-cast concrete and colourbond cladding. The roof surface is proposed to be colourbond.</p> <p>Walls are treated with coloured colourbond cladding and painted pre-cast concrete panels, with glazed elements, articulated walls and suspended awnings provided along the northern elevation to minimise the presentation of blank walls.</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>4) While a variety of building designs and materials is encouraged, some continuity of style should be maintained.</p> <p>5) Proposed buildings on site adjoining land zoned for open space and / or riparian areas shall have regard to the visual and functional opportunities of the location.</p> <p>6) All roof mounted plant / equipment shall be designed and screened in a manner that complements the parent buildings.</p>	<p>The building has been designed to provide for a modern contemporary appearance.</p> <p>The southern adjoining Kenny Creek drainage reserve is zoned IN1 General Industrial. Established vegetation adjoining the creek shields the development from view from Anderson Road. In addition, the land adjoining the southern adjoining drainage reserve significantly falls towards Kenny Creek, limiting functional opportunities for activity and integration.</p> <p>No external roof mounted plant or equipment is proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D4.2.6 Environmental Management Plans	2) For the construction of a new building, a geotechnical report shall also be prepared for the land so as to determine potential constraints in terms of land stability, soil types, slopes and existing ground water levels.	A geotechnical report has been submitted with the application, which concludes that there is no constraint to building works subject to specific measures being met.	Yes. Subject to conditions.
D4.2.7 Stormwater	<p>2) Water quality strategies must be incorporated to manage water generated from the site.</p> <p>3) Council encourages the collection of roof stormwater into tanks which would serve as a detention and retention system.</p>	<p>The development's proposed WSUD system demonstrates that Council's water quality targets can be met</p> <p>A condition is recommended to be imposed to allow for the collection of roof stormwater to be used for detention and retention.</p>	<p>Yes.</p> <p>Yes. Subject to conditions.</p>
D4.2.8 Liquid & solid waste	1) No liquids discharged from the site shall contain pollutants above acceptable levels.	The development demonstrates that Council water quality targets will be met. Standard conditions will be imposed restricting the discharge of any pollutants in accordance with the requirements of the <i>Protection of the Environment Operations Act, 1997</i> .	Yes. Subject to conditions.

Control	Requirement	Provided	Compliance
	2) Waste storage facilities must be properly sited and constructed to avoid negative impacts to the soil and water resources in the areas.	Waste storage areas are recommended to be located within the loading dock to avoid conflicts with vehicle movements on site.	Yes
D4.2.9 Recycling and waste management	1) All industrial developments shall consider adopting more environmentally friendly processes into their daily operations such as the recycling of waste and or products produced on site.	A waste management plan has been submitted with the DA, which demonstrates appropriate management of waste and recycling during the operational phase of the development and waste collection points for ongoing waste management. Council's waste officer has confirmed that waste management for this proposal is satisfactory.	Yes
D4.2.10 Noise and vibration	1) Development shall comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy.	An acoustic report has been submitted with the DA to consider noise impacts associated with the proposal. Council's Environmental Health Officers have reviewed the acoustic report and are satisfied that the proposal will not have a negative impact upon adjoining residential amenity subject to conditions.	Yes. Subject to conditions
D4.5.2 Smeaton Grange	6) Development must provide a minimum setback of 10 metres from any minor road. 7) In assessing any application, Council will consider the visual impact of the height, bulk and scale of a proposed building to ensure that a high quality appearance is achieved, particularly as viewed from Turner Road, Camden Valley Way and Smeaton Grange Road. 8) Industries whose principal function is the storage and / or processing of goods and materials not enclosed	The development is located on the rear battle axe allotment. The development is setback considerably greater than 7.5 metres from the front building line. In addition, the development is setback 8m from the western property boundary. Please refer to comments within likely impacts of the development made later within this report. No external storage is proposed. The storage of data is entirely contained within the building envelope of the	Yes Yes Yes

Control	Requirement	Provided	Compliance
	within a building, shall not be located on land which fronts a spine road or land adjoining Camden Valley Way, Turner Road or Smeaton Grange Road	development.	

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality. The following comments are made in respect to acoustic and visual impacts of the development.

Acoustic Impacts

An acoustic report has been submitted with the DA which has assessed potential noise impacts from the proposed data centre, including from proposed plant and equipment and standby generators on existing residential amenity within the locality. Noise monitoring assessment was undertaken from residential properties to the north of the development along Turner Road, Gregory Hills and to the east along Ashford Circuit, Currans Hills and from an industrial development to the south at 50 Anderson Road, Smeaton Grange.

The standby generators are located in the event of a power failure on site, however will be used during monthly testing and maintenance. Testing and maintenance will not involve all generators operating concurrently, with only one unit operational at a time, with all testing to occur during the daytime.

Whilst the site is located within an established industrial estate, the site is located immediately adjoining residential areas and therefore requires attenuation measures to all equipment proposed to be used, including the data centre building to achieve compliance with the NSW Industrial Noise Policy. Attenuation measures to mitigate noise impacts from the data centre building include; acoustic rated doors, insulated roofing, minimum wall thickness (150mm), seals at junctions between louvres / attenuators and duct work penetrations of the building envelope. Attenuation measures to specialized plant and machinery include; solid walls to enclose chiller units and standby generators and enclosed attenuated areas for extract and relief fans penetrating the roof. It is recommended as a condition of consent that the noise mitigation measures and criteria specified within the acoustic assessment is constructed and complied with.

An additional condition has been recommended for the operation of backup generators, requesting that: Other than for emergency (blackout) situations, the generators must not be operated during the evening and night time periods. Any testing and maintenance of the generators shall be restricted to between 7am and 6pm Monday to Saturday.

The acoustic report demonstrates that the proposal will comply under normal operating conditions, however will slightly exceed night time noise criteria (2dBA) under emergency operations (power failure at site) at one receiver, being No. 2 (143 Turner Road, Gregory Hills).

Consideration of this slight exceedance has been made by Council staff, acknowledging that the exceedance is only achieved in the event of a power failure at the site, which is considered to be a likely infrequent occurrence. In addition, the development will be staged, with generators progressively added to the development until 29 are provided on site. It is expected that with further development of adjoining northern residential land of the ' Turner Road Precinct ', that some increase in background noise levels may ultimately consume the slight exceedance.

Council staff have reviewed the submitted acoustic report and it is considered that an acceptable level of residential amenity will be provided to existing residents, subject to the noise mitigation measures and operational conditions identified above.

Visual Impact

The development is shielded from public view by the adjoining eastern data centre building, southern adjoining vegetation along Kenny Creek and will be ultimately shielded by the future development of another data centre building on the front (to the west) battle axe allotment of 42A Bluett Drive.



IMAGE 9 – EXISTING DATA CENTRE BUILDING VIEWED FROM TURNER ROAD

The application is considered to provide an acceptable visual impact to Turner Road to the north, where it is visible from adjoining residential properties across the adjoining bus depot. The northern elevation to the development has been treated with articulated elements, including a suspended awning and provides for glazing and coloured colourbond wall cladding and coloured precast concrete panels to provide for visual interest. The proposed treatment is considered superior to the external treatment of the existing data centre building located to the east of the proposed development, which is limited to coloured walls facing Turner Road to the north.

Despite the increased height of the proposed development, the site is located at a considerably lower land level (92m AHD) compared to Turner Road (100m AHD approximately), with the level of land increasing further north up to 130m AHD. Land adjoining Turner Road to the south looks down and across the Smeaton Grange Industrial area, including the proposed development site. As such, the visual presence of tall buildings at this location is offset by the significant level difference, reducing the sense of perceived excessive bulk and scale and presenting buildings that appear to fit comfortably within the industrial landscape.



IMAGE 10 – VIEW OF DEVELOPMENT SITE FROM TURNER ROAD



IMAGE 11 – PERSPECTIVE OF EXISTING DEVELOPMENT VIEWED FROM TURNER ROAD



IMAGE 12 – PERSPECTIVE OF EXISTING AND PROPOSED DEVELOPMENT VIEWED FROM TURNER ROAD

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) *Any submissions made in accordance with this Act or the Regulations*

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. The exhibition period was from 7th June 2017 to 6th July 2017. Within this exhibition period, no submissions were received.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

Draft Western City District Plan (the Plan)

A draft district plan or district plan is not a mandatory matter for consideration in the determination of a DA. However it is considered to be in the public interest to consider the proposed development's consistency with the Plan given that it is publicly exhibited government planning policy. It is considered that the proposed development is broadly consistent with the plan.

EXTERNAL REFERRALS

Department of Primary Industries Water (DPI Water)

The DA was referred to the Department of Primary Industries – Water under the Integrated Development provisions of the Act, as the development proposes works within 40 metres of an existing watercourse.

The Department of Primary Industries – Water have issued General Terms of Approval for works requiring a controlled activity approval under the *Water Management Act 2000*, which is referenced in the recommended consent conditions.

NSW Rural Fire Service (RFS)

The DA was referred to the RFS under Section 79BA of the *Environmental Planning and Assessment Act, 1979* as the subject property is mapped as being bushfire prone land along the northern, southern and eastern property boundaries.

Suggested conditions were provided, including; asset protection zones, utilities and hydrant requirements, property access, evacuation plan, design and construction requirements and landscaping to comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.

The suggested conditions from the NSW Rural Fire Service form part of the recommended conditions of consent for the development.

NSW Roads and Maritime Services (RMS)

The DA was referred to RMS for assessment as the development is defined as traffic generating development by the State Environmental Planning Policy (Infrastructure) 2007. RMS raised no objection to the development and provided no suggested conditions for the development.

Endeavour Energy

The DA was referred to Endeavour Energy for assessment under the provisions of Clause 45(1)(b) of the Infrastructure SEPP in that the proposed development is in close proximity to an Endeavour Energy substation and switching station and for consideration of energy supply requirements.

Endeavour Energy raised no objection to the proposed development and have provided conditions, which will be included in the consent.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 610/2017 is recommended for approval subject to the conditions contained in this report.

RECOMMENDED

That the Panel support the written request lodged pursuant to Clause 4.6 of *Camden Local Environmental Plan 2010* to maximum building height and approve DA 610/2017 for the construction and use as a data centre, including carparking, landscaping and associated works at 42B Bluett Drive, Smeaton Grange subject to the conditions attached to this report.