

SYDNEY WESTERN CITY PLANNING PANEL (Sydney South West Region)

JRPP No	2017SSW055
DA Number	1310/2017
Local Government Area	Camden
Proposed Development	Construction and use of an industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works.
Street Address	42A Bluett Drive, Smeaton Grange
Applicant	Greenbox Architecture
Owner	Amazon Corporate Services Pty Ltd
Date of DA lodgement	26 September 2017
Number of Submissions	No submissions were received.
Regional Development Criteria (Schedule 7 of the SEPP) (State and Regional Development) 2011	Capital investment value > \$30 million CIV - \$31,196, 968
List of All Relevant s4.15(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
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report • DCP Compliance Table • Applicant's written request to vary a maximum building height development standard • Recommended conditions • Proposed Plans

Report prepared by	Adam Sampson, Executive Planner Development Assessment (East)
Report Date	25 June 2018

Summary of s4.15 matters

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

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP.	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 (S7.24)? Note: Certain Das in the Western Sydney Growth Areas Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions.	No
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Conditions

Have draft conditions been provided to the applicant for comment? 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.	Yes
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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 of an industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works.

The Panel is the determining authority for this DA as, pursuant to Clauses 20 and 21 of State Environmental Planning Policy (State and Regional Development) 2011, the proposed development is included in Schedule 7 of the SEPP. The development has a capital investment value (CIV) of \$31,196,968. This exceeds the CIV threshold of \$30 million for Council to determine the DA and therefore it is referred to the Panel for determination. The DA was submitted on the 26 September 2017 and exceeded the previous threshold of \$20 million in accordance with Schedule 4A of the *Environmental Planning and Assessment Act, 1979*.

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 1310/2017 for the construction and use of an industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works pursuant to Section 4.16 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 the construction and use of an industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works at 42A 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 18th October 2017 to 16th November 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; and
- 2) Clause D4.2.5(2) of Camden Development Control Plan 2011 with the development seeking a fence height of 2.7m, exceeding the development control of 2.1m maximum height.

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



42B Bluett Drive
– DA/610/2017
20.85m height

42B Bluett Drive –
Existing Data Centre
17.03m height

THE SITE

The site is commonly known as 42A Bluett Drive, Smeaton Grange and is legally described as Lot 4331 DP: 1194022, with the development site located within the north east corner of the Smeaton Grange Industrial Area. The site has an overall area of 2.111 hectares.

The site is regular in shape, is largely free from vegetation and is relatively flat from previous compaction of the site granted consent under an earlier subdivision approval. Currently the site is vacant.

At the south east corner upon the adjoining battle axe lot (No. 42B Bluett Drive, Smeaton Grange), another data centre building with extensive areas of hardstand exists. Upon No. 42B Bluett Drive, a recent development consent (DA/2017/610/1) has been granted by the Panel for the construction of another data centre building. Construction works have yet to commence.

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.
8 February 2018	Development consent granted by the Panel for the construction and use as a data centre, including carparking, landscaping and associated works on 42B Bluett Drive, Smeaton Grange subject to DA/2017/610/1.

THE PROPOSAL

DA 1310/2017 seeks approval for the construction and use of an industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works.

Specifically the proposed development involves:

- Proposed construction and use of a data centre building with a ground floor area of 3,595.7m² and first floor area of 3,765.7m².

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.

- External generator yard (18 standby generators).
- External chiller yard comprising 5 chillers and 2 standby generators.
- Loading and unloading receiving area located at the north east corner of the building.
- Carparking for 34 carspaces.
- Palisade fencing up to 2.7m in height, including sliding gates.
- 24 hour operation, seven days a week.
- Employment for up to forty staff.

The internal fitout of the building, including the installation of generators and all plant and machinery is to be submitted as separate Complying Development Certificates. The capital investment value of the works is \$31,196,968.

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 42B Bluett Drive and to the future data centre building subject to DA 610/2017, which is yet to commence construction. The proposed development upon 42A Bluett Drive, Smeaton Grange will also be occupied by the same operator.

PROPOSED PLANS

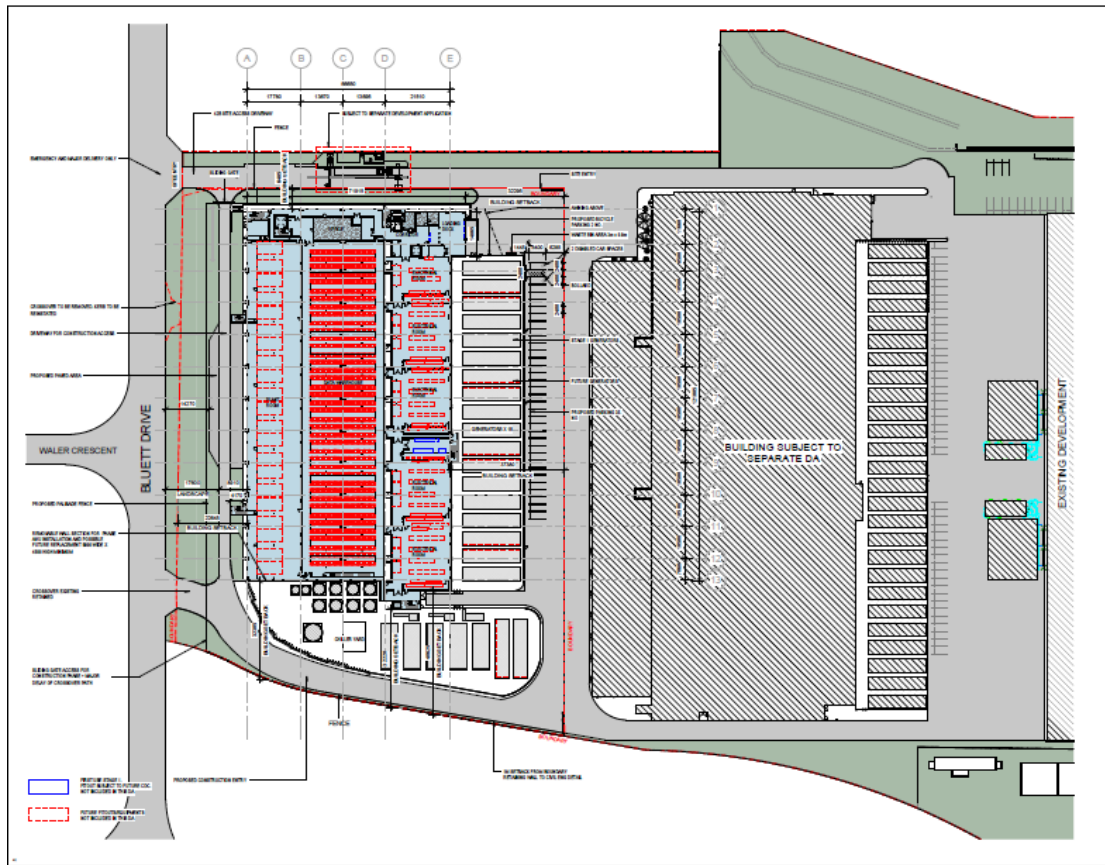


IMAGE 2 – SITE PLAN



IMAGE 3 – PERSPECTIVE FROM BLUETT DRIVE



IMAGE 4 – WEST ELEVATION



IMAGE 5 – EAST ELEVATION



IMAGE 6 – NORTH ELEVATION



IMAGE 7 – SOUTH ELEVATION

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15

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 7 of the SEPP. The development has a Capital Investment Value (CIV) of \$31,196,968. This exceeds the CIV threshold of \$30 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 20,000 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 any contamination found during construction 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 adjoining 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 sediment basin and diversion banks 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 8 – 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 forty 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 forty 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	0.34 : 1 floor space ratio	Yes
4.6 Exceptions to Development Standards	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	The applicant has provided written justification for the proposed development standard variation for height.	Yes
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,	Minor earthworks and grading are proposed for the formation of the building and associated stormwater infrastructure. The matters listed by this clause have been considered. Subject to the recommended conditions, the proposed earthworks are considered to be acceptable	Yes

Clause	Requirement	Provided	Compliance
	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.	with regard to them.	

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.

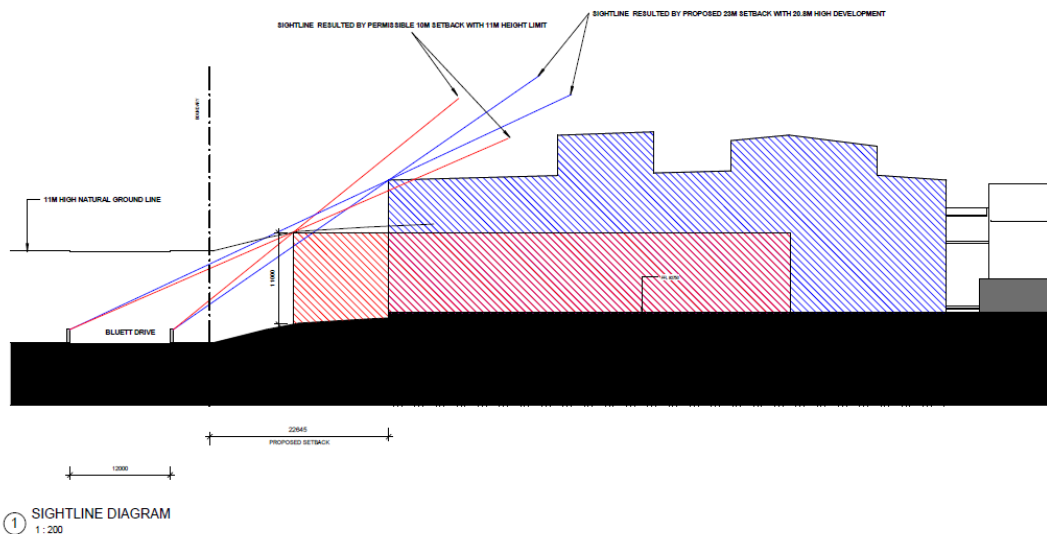


IMAGE 9 – Sightline Diagram

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 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. Particularly given that the surrounding road network comprises local roads and experiences relatively low traffic volumes;
- 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;
- Having regard to the surrounding road network, the traffic volumes of Bluett Drive are considered relatively low, with only localized traffic able to view the proposed facility; 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;
- 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 adjoining this site to the south east, which measures up to 17.03m in height, with other height exceedances granted in Dunn Road, Anderson Road and recently in Bluett Drive within the

Smeaton Grange industrial area for building heights ranging from 14.725m to 20.85m;

- The development is largely 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;
- 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;
- The development proposes a front setback to 22.645m from Bluett Drive, which well exceeds the minimum requirement of 10 metres to ensure similar sightlines from Bluett Drive are achieved;
- 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; and
- 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)).

The purpose of the SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.

The Draft SEPP is not yet considered imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance. Regardless, the proposed development complies with the requirements of the Deemed SEPP criterion.

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

Camden Development Control Plan 2011 (DCP)

A copy of the assessment of the proposed development's compliance with the controls of Camden Development Control Plan 2011 is provided as an attachment to this report.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 7.32, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4

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, including during emergency power failure operations. 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 to the east by the adjoining eastern data centre building and to the south from adjoining vegetation along Kenny Creek. In respect to the development's visual impact to the north from Turner Road, the application is considered to provide an acceptable visual impact, 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 colorbond wall cladding and coloured precast concrete panels to provide for visual interest. In addition, coloured architecturally framed windows are also provided to generate 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 upon 42B Bluett Drive, which is limited to coloured walls facing Turner Road to the north.



IMAGE 10 – EXISTING DATA CENTRE BUILDING VIEWED FROM TURNER ROAD

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 11 – VIEW OF DEVELOPMENT SITE FROM TURNER ROAD TOWARDS BLUETT DRIVE

In respect to the developments visual impact to Bluett Drive, the development has been designed to achieve a modern contemporary appearance, despite its location in an industrial area. The development proposes a patterned and coloured façade to provide visual interest, behind a 14.27 metre wide landscape strip containing varying heights of grasses, shrubs and tall trees. The northern corner of the building, which is visible from Bluett Drive proposes coloured colourbond and precast concrete panels, framed glazed elements and suspended awnings to articulate the northern façade and provide visual interest to the streetscape. Accordingly, the development as proposed is considered to be constructed of long lasting and quality building materials and will provide an acceptable visual impact from public viewpoints.

(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 18th October 2017 to 16th November 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.

Western City District Plan (the Plan)

A 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 4.14 of the *Environmental Planning and Assessment Act, 1979* as the subject property is mapped as being bushfire prone land along the southern property boundary

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 4.15 of the *Environmental Planning and Assessment Act, 1979*, and all relevant instruments, plans and policies. Accordingly, DA 1310/2017 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 1310/2017 for the construction and use of an industrial building as a data centre, including earthworks, carparking, fencing, landscaping and associated works at 42A Bluett Drive, Smeaton Grange subject to the conditions attached to this report.