

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	26 March 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Kathie Collins and Chris Quilkey
<b>APOLOGIES</b>	Gabrielle Morrish
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held by public teleconference on 26 March 2020, opened at 1.00pm and closed at 1:52pm.

#### MATTER DETERMINED

PPSSCC-57 - Blacktown – SPP-19-00014, 24 Healey Circuit, Huntingwood (Lot 201 DP 866346) – Demolition of the existing warehouse facility and construction of a 4 storey data centre including car parking and associated amenities. The proposed data centre will be used in conjunction with the existing data centre on the adjoining site at 35 Huntingwood Drive (known as Airtrunk Pty Ltd) (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel generally agreed with the recommendations and balance of considerations in Council's report, noting:

- The site is considered suitable for the proposed development in conjunction with the existing data centre adjoining the site at 35 Huntingwood Drive.
- Council's requirement for dense landscaped screening of the site boundaries is strongly supported by the Panel, noting that Council's condition enables a range of species to be utilised.
- Council's requirement for parking is supported, including requirements should a change of use be implemented at a later stage.
- The proposal adequately satisfies the relevant state and local planning provisions.
- The development as conditioned will have no unacceptable impacts on the built or natural environments.
- The proposed development does not create any unreasonable environmental impacts to existing or future potential industrial uses in the locality.
- The proposal is in the public interest.

## CONDITIONS

The development application was approved subject to conditions listed in Council assessment report Attachment 7, with administrative amendments to conditions 2.1.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4 and 16.4.1 as detailed below.

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

DRAWING REFERENCE	DATE
Architectural Plans prepared by Greenbox, Job Number 190039	
Existing Site Demolition Plan DA005 Issue G	04.03.2020
Proposed Site Plan DA010 Issue G	20.11.2019
Level 0 GA Plan DA100 Issue L	04.03.2020
Level 1 GA Plan DA101 Issue L	21.11.2019
Level 2 GA Plan DA102 Issue J	21.11.2019
Level 3 GA Plan DA103 Issue J	21.11.2019
Roof Level GA Plan Issue I	20.11.2019
North & West GA Elevations Issue G	21.11.2019
South & East GA Elevations Issue G	21.11.2019
GA Section 1 Issue F	19.11.2019
Landscape Plan prepared by IScape, Project Number 156.19/346	November 2019

- 16.2.1 The approved “data centre” shall comply with the requirements of the following definition contained within State Environmental Planning Policy (Infrastructure) 2007:

*“Data storage centres, or data centres, store electronic data for both private companies and public authorities”*

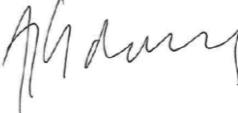




- 16.2.2 The approved office spaces shall be used solely in conjunction with the data centre use of the building to which it is attached. The separate use or occupation of the approved office space(s) is not permitted by this consent.
- 16.2.4 Any change of use of the development, other than a ‘data centre’, will require separate development consent to be obtained from Council and will be required to provide the minimum number of car parking spaces as required by the Blacktown Development Control Plan 2015 for that new land use. This will necessitate the removal of the electrical substances and fuel bunded areas and the provision of parking in accordance with indicative parking plan DWG No. ASK009 Issue A dated 21.02.2019 as prepared by Greenbox.

- 16.4.1 The ‘data centre’ is permitted to operate 24 hours a day, 7 days a week.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes there were no written submissions made during public exhibition.

## PANEL MEMBERS

 Abigail Goldberg (Chair)	 Roberta Ryan
 Chris Quilkey	 Kathie Collins
 David Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-57 - Blacktown – SPP-19-00014
2	PROPOSED DEVELOPMENT	Demolition of the existing warehouse facility and construction of a 4 storey data centre including car parking and associated amenities. The proposed data centre will be used in conjunction with the existing data centre on the adjoining site at 35 Huntingwood Drive (known as Airtrunk Pty Ltd)
3	STREET ADDRESS	24 Healey Circuit, Huntingwood (Lot 201 DP 866346)
4	APPLICANT/OWNER	Applicant – Ashleigh Keyser – EMKC Owner – Marinucci Holdings Pty Ltd & Airtunk Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Protection of the Environment Operations Act 1995</li> <li>Biodiversity Conservation Act 2016</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55- Remediation of Land</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River</li> <li>Blacktown Local Environmental Plan 2015</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Blacktown Development Control Plan 2015</li> <li>Central District Plan 2018</li> </ul> </li> <li>Planning agreements: Nil</li> </ul>

		<ul style="list-style-type: none"> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan: [Nil]</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 11 March 2020</li> <li>• Written submissions during public exhibition: 0</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Bertha Gunawan and Judith Portelli</li> <li>○ On behalf of the applicant – Travis Lythall</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.</li> <li>• Final briefing to discuss council's recommendation, 26 March 2020, 12.30pm (teleconference) Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan (teleconference), Kathie Collins and Chris Quilkey</li> <li>○ <u>Council assessment staff</u>: Bertha Gunawan and Judith Portelli</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval subject to conditions listed in attachment 7.
10	<b>DRAFT CONDITIONS</b>	Attachment 7