

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-242.
Application Number:	2017/610/2
Local Government Area:	Camden.
Development:	Modification to an approved data centre development, including alteration to the building footprint, alteration to the internal configuration of the building, alterations to the approved façade and roof and installation of roof screening
Site Address(es):	42B Bluett Drive, Smeaton Grange
Applicant:	Genton Pty Ltd
Owner(s):	The Trust Company Limited
Date of Lodgement:	21 April 2022
Number of Submissions:	No submissions were received.
Number of Unique Objections:	None
Classification:	Local development.
Recommendation:	Approve with modified conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	Section 4.55(2) modification to development approved by the Sydney Western City Planning Panel.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Resilience and Hazards) 2021. • State Environmental Planning Policy (Biodiversity and Conservation) 2021. • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2019.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • Modified conditions. • Proposed plans.
Development Standard Contravention Request(s):	None.
Report Prepared By:	Averil Flaxman, Senior Town Planner
Report Date:	July 2022

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a Section 4.55(2) modification application ('modification') to modify an approved data centre at 42B Bluett Drive, Smeaton Grange.

The Panel is the consent authority for this modification as it is a Section 4.55(2) modification application to a development approved by the Panel.

SUMMARY OF RECOMMENDATION

That the Panel determine modification application DA/2017/610/2 for the modification of an approved data centre pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions attached to this report.

EXECUTIVE SUMMARY

At its meeting of 8 February 2018, the Panel approved development application DA/2017/610/1 for the construction and use of a data centre, including carparking, landscaping and associated works at 42B Bluett Drive, Smeaton Grange. Council is now in receipt of an application which seeks to modify the development.

The modification application has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).	The modified development remains consistent with the Transport and Infrastructure SEPP.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).	The modified development remains consistent with the Resilience and Hazards SEPP.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).	The modification is consistent with the aim of the Biodiversity and Conservation SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.
Camden Local Environmental Plan 2010 (Camden LEP).	The modification is consistent with the zone's objectives and acceptable in terms of the Camden LEP's other matters for consideration.

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 24 May 2022 to 6 June 2022 and no submissions were received.

The application proposes to vary the maximum height of buildings development standard (11m) prescribed for the site, with the development having a maximum building height of 23.538m to the lift over run and 19.785m to the parapet of the modified building.

In determining the original development application, the Panel supported a clause 4.6 written request with the approved building having a maximum height of 20.85m being 9.85m above the prescribed height limit.

The additional building height proposed as part of the modification application is to facilitate advancements in information technology systems which results in the required internal reconfiguration and proposed changes to the operation of the building. Advanced technology result in more efficient plant therefore requiring less plant and equipment, reduced need for temperature and humidity control within the building, whilst achieving the same functional capacity of approximately 40MW of IT equipment.

The advanced technology facilitate the redundancy of the mechanical refrigeration systems and therefore the removal of the chillers and some standby generators. The provision of advanced technology systems has resulted in the reconfiguration of the internal and external layout of the building and amendments to the building footprint.

Based on the assessment, it is recommended that the modification be approved subject to the modified conditions attached to this report.

AERIAL PHOTO



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.

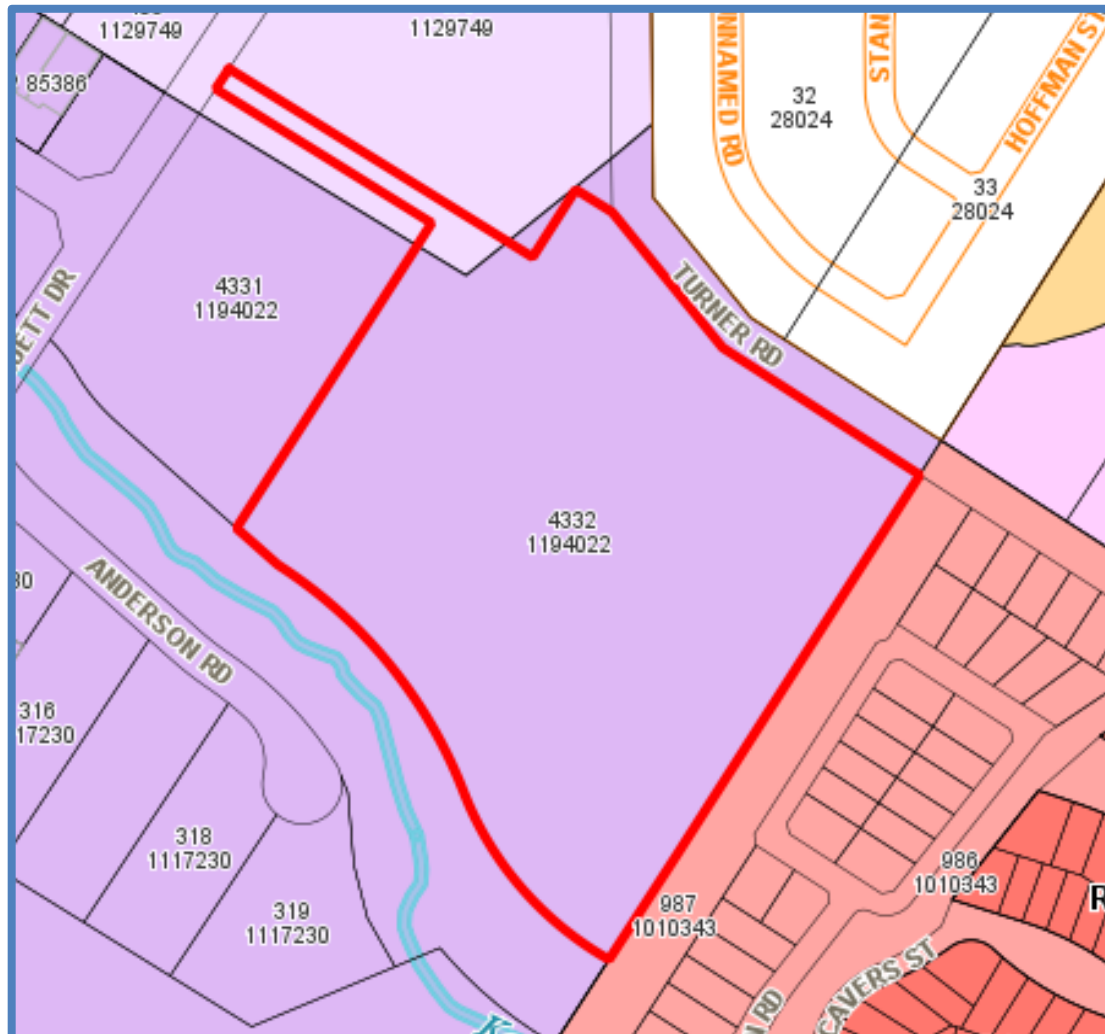
The site is irregular in shape due to the past subdivision of land creating a battle axe allotment and the curvature of the southern allotment boundary, which is adjacent to Kenny Creek. The site has an overall area of 6.78 hectares.

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.

ZONING PLAN



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 DA/2003/1127.
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 Sydney Western City Planning Panel for the construction and use as a data centre, including carparking, fencing, landscaping and associated works subject to DA/2017/610/1

THE PROPOSAL

Approved Development

The approved development involves:

- Construction and use of a data centre building with a ground floor area of 4,957m² and first floor area of 5,136m².
- 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 vehicles.
- 24 hour operation, seven days a week.
- Employment for ten staff.

Proposed Modification

The modification involves:

- Modification to site layout including reposition of building footprint, resulting in increase in GFA from 10,005.4m² to 11,192m² being an increase in gross floor area of 1,186.6m² resulting in an increase in FSR from 0.31:1 to 0.325:1.
- Modification to the building design including addition of louvers, amendments to bulk, scale.
- Increase in maximum building height from 20.85m to 23.53m (lift over run), with the parapet of the modified building having a maximum height of 19.785m.
- Modification to the internal layout and reconfiguration.
- Modification to external tank and services and installation of sprinkler tank.
- Modification to fencing design around generator yard from a full height screen to chain link style fencing.
- Modifications to roof and installation of roof screening.
- Removal of chillers.
- Reduction in back up generators from 29 units to 22 units.

A table which provides a comparison of the key development details from the approved and proposed developments is provided below:

Metric	Approved Development	Modified Development	Difference
Maximum Building Height	20.85m	19.785m to parapet 23.538m to lift over run	+2.68m
Floor Space Ratio (FSR) for the site	0.31:1	0.325:1	+0.015:1
Gross Floor Area (GFA)	10,005.4m ² Ground Floor – 5,010.7m ² First Floor – 4,994.7m ²	11,192m ² Ground Floor – 5,596m ² First Floor – 5,596m ²	+1,186.6m ²
Setbacks	Minimum 8m to property boundary	Minimum 8m to property boundary	No changes proposed
GFA	954m ²	770.4m ²	-183.6m ²
Car Parking Spaces	48 car parking spaces and 2 bicycle	48 car parking spaces and 2 bicycle	No changes proposed
Total power consumption (MW)	38.4MW (12 pods at 1.6MW IT capacity per pod)	40MW (10 pods at 2MW IT capacity per pod)	+1.6MW
Chillers	10	Nil	-10 units
Back up generators	29 units at 2.5MW per unit	22 units at 2.4 MW per unit and 1 unit at 0.8MW	-6 units

MODIFICATION OF CONSENTS

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Council staff are satisfied that:

- the development to which the consent as modified relates is substantially the same as the development for which consent was originally granted,
- the development consent was not subject to a concurrence or general terms of approval from a Minister, public authority or approval body,
- the application has been publicly exhibited in accordance with the *Environmental Planning and Assessment Regulation 2021* and Camden Development Control Plan 2019, and
- Council has considered the reasons given by the consent authority for the grant of the consent that is sought to be modified.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a modification, the consent authority is to take into consideration such of the following matters as are of relevance to the modification:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the modification are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- Camden Local Environmental Plan 2010.

State Environmental Planning Policy (Planning Systems) 2021

The original DA was approved by the Sydney Western City Planning Panel having regard to the development exceeding the CIV threshold pursuant to the then State and Regional Development SEPP. This modification is now referred back to the Panel for determination as the proposal is a Section 4.55(2) modification to development approved by the Panel.

State Environmental Planning Policy (Resilience and Hazards) 2021

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.

A cumulative Preliminary Hazard Analysis (PHA) has been prepared for the existing and approved data centres on the site. The proposed development (as modified) proposes the storage of Diesel, Transformer Oils, Lithium-ion batteries and Valve Regulated Lead-Acid (VRLA) batteries. The quantities of Dangerous Goods stored on the entire site indicates the quantity of Valve Regulated Lead-Acid (VRLA) batteries would exceed the thresholds within the Resilience and Hazards SEPP.

The PHA submitted as part of the modification application identifies several scenarios/incidents and analyses the potential offsite impacts and safety measures. The assessment did not identify any offsite impacts and concluded the risk at the boundary is not considered to exceed the acceptable criteria. Accordingly, the facility is classified as potentially hazardous and is permitted within the land zone.

Based on the outcome of the PHA and analysis of Hazardous Industry Planning Advisory Paper No. 12 – Hazard-Related Conditions of Consent (HIPAP), the development would fit into a very low risk level with no specific conditions of consent being required as a result of the HIPAP assessment.

A suitable condition requiring compliance with the PHA and the referenced safeguards is included in the recommendation.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

2.48 Determination of development applications - other development

Pursuant to clause 2.48 of the Transport and Infrastructure 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.

An Endeavour Energy substation and switching station is located in the south east corner of the site. Given the proximity of the proposed development to the substation and switching station, 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 original determination.

Clause 2.121 - 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 (Transport and Infrastructure) lists types of developments that are to be referred to Transport for NSW (TfNSW) 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 TfNSW on 23 May 2022. TfNSW raised no objection to the modified development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The modification is consistent with the aim of the Biodiversity and Conservation SEPP and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the modified development.

Camden Local Environmental Plan 2010 (Camden LEP)

The Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the *Environmental Planning and Assessment Act 1979*.

Site Zoning and Permissibility

The site is zoned partly IN1 General Industrial and IN2 Light Industrial pursuant to Clause 2.2 of the Camden LEP.

The modification will still result in the development being characterised as a warehouse distribution facility for use as a data centre as defined by the Camden LEP. A modification to the approved development is permitted pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

Planning Controls

Clause 4.3 Height of Buildings

The application proposes to vary the maximum height of buildings development standard (11m) prescribed for the site, with the development having a maximum building height of 23.538m to the lift over run and 19.785m to the parapet of the modified building.

In determining the original development application, the Panel supported a clause 4.6 written request with the approved building having a maximum height of 20.85m being 9.85m above the prescribed height limit.

The proposed amended building design and increased height of building is to facilitate changes in the proposed cooling system due to technological advancement of plant required by the data centre which will result in reduced energy consumption and improved environmental outcomes.

The visual impact of the development will be insignificant with the battleaxe location and distance of from the residential area along Turner Road, together with the significant land level difference between the development site and the residential land to the north being up to 8m lower than the residential land. The full extent of the visual impact assessment is discussed later in this report under Visual Impact.

Clause 4.4 Floor Space Ratio

The Floor Space Ratio Map details a maximum Floor Space Ratio (FSR) of 1:1. The approved development resulted in a FSR of 0.31:1 inclusive of all developments on site. The proposed modification results in a FSR of 0.325:1.

(a)(ii) the provisions of any proposed 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The modification is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

(a)(iii) the provisions of any development control plan

Camden Development Control Plan 2019 (Camden DCP)

The proposed modifications to the development remain compliant with the provisions of the DCP.

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this modification.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that will continue to be addressed through existing conditions despite the modification.

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

As demonstrated by the assessment, the modification is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

Acoustic Impacts

An updated acoustic report has been provided with the outcomes being generally consistent as the original report, taking into consideration the proposed modification. The report now outlines criteria for emergency use of the generators, and noise predictions have been updated to reflect the updated proposal including noise mitigation measures. The report indicates compliance will be achieved for each identified receiver.

Visual Impact

The assessment of the visual impact of the original development remains relevant to the proposed modification despite the further increase in height. 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 data centre building located on the lot at the front being 42A Bluett Drive.

The proposed modification is considered to maintain an acceptable visual impact to Turner Road to the north, where the development will be visible from adjoining residential properties across the adjoining bus depot. The northern elevation to the development includes articulation elements, glazing, water tanks, coloured precast concrete panels to facilitate in breaking up the elevation.



Image 1 – View of proposed development from Turner Road aspect highlighted in red



Image 2 – View of proposed development from Bluet Drive aspect highlighted in red

Despite the increase in height the visual bulk of the building has been reduced and broken up, with the tallest part of the building being the lift over-run at a maximum height of 23.538m, being a fraction of the overall visual bulk of the building. The roof top screen is proposed at 21.580m and parapet at 19.785m. The proposed use of materials being precast concrete panels, aluminum louvers, glazing and articulated elements facilitate in the reduction of visual bulk. When considered in the context of the site, being only partial visible from Bluet Drive with its battleaxe location and the distance of the development from Turner Road, the increase in building height will have insignificant visual impact.

Landscape comment

The landscaping plan provided as part of the modification has been amended to accommodate the proposed changes to the building footprint and design, with areas of proposed landscaping narrowed at the Kenny Creek boundary and around the building footprint.

The proposed reduction in landscaping throughout the site is considered to be undesirable outcome and therefore an additional condition of consent is recommended requiring an amended landscaping plan be prepared prior to the issue of a construction certificate, providing additional trees throughout the site, endemic plant species and trees maturing to a suitable height.

(c) *the suitability of the site for the development*

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

(d) *any submissions made in accordance with this Act or the regulations*

The modification was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 24 May 2022 to 6 June 2022 and no submissions were received.

(e) *the public interest*

The public interest is served through the detailed assessment of this modification under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the assessment, the modification is consistent with the public interest.

EXTERNAL REFERRALS

Department of Primary Industries Water (DPI Water)

The modification application was referred to the Department of Primary Industries – Water under Section 109 of the *Environmental Planning and Assessment Regulations 2021* for modification to integrated, nominated integrated or concurrence development, as the development proposes works within 40 metres of an existing watercourse.

No response has been received and therefore the existing General Terms of Approval remain unchanged and applicable to the development consent.

NSW Rural Fire Service (RFS)

The modification application was referred to the Rural Fire Service 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.

Endeavour Energy

The modification application was referred to Endeavour Energy for assessment under Section 109 of the Environmental Planning and Assessment Regulations 2021 for modification to integrated, nominated integrated or concurrence development as 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 subject to recommended conditions.

NSW Roads and Maritime Services (RMS)

The application was referred to TfNSW for assessment Section 109 of the Environmental Planning and Assessment Regulations 2021, as the development is defined as traffic generating development by the State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW raised no objection to the development and provided no suggested conditions.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The modification has been assessed in accordance with Sections 4.55(2) and 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The modification is recommended for approval subject to the modified conditions attached to this report.

RECOMMENDED

That the Panel approve modification application DA/2017/610/2 for the modification of an approved data centre at 42B Bluett Drive, Smeaton Grange subject to the modified conditions attached to this report.