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| <b>DATE OF DETERMINATION</b>    | Tuesday, 19 July 2022   |
| <b>DATE OF PANEL DECISION</b>   | Monday, 18 July 2022  |
| <b>DATE OF PANEL MEETING</b>    | Monday, 11 July 2022  |
| <b>PANEL MEMBERS</b>            | Nicole Gurran (Acting Chair), Brian Kirk, Julie Savet Ward, Lara Symkowiak and Michael File   |
| <b>APOLOGIES</b>                | Michael Mantei  |
| <b>DECLARATIONS OF INTEREST</b> | Justin Doyle: Conflict with the owner "Goodmans"<br>Louise Camenzuli: One of my Partners works for Goodman and I consider that this could give rise to a perceived conflict of interest |

Papers circulated electronically on 1 July 2022.

#### **MATTER DETERMINED**

PPSSWC-242 – Camden – DA/2017/610/2 at 42B Bluett Drive, Smeaton Grange – Modification to an approved data centre development (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 listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and supplementary report dated 12 July 2022.

In particular, the Panel noted that:

- The application satisfies the requirements of Clause 4.55(2) of the Environmental Planning and Assessment Act 1979 in that the resulting modified development will remain essentially the same as the data centre originally approved, and will operate in the same manner. The modifications come about due to technological advancements in data centre hardware and infrastructure, and will deliver improved operational efficiencies and reduced environmental impact by removing chillers and enabling the passive cooling of IT equipment.
- The proposed building height exceedance is necessary to facilitate the changed cooling system, with the additional height needed to accommodate the passive cooling of equipment. This will result in reduced energy consumption, while the scale, visual impact and perception of the building will remain largely unchanged.

While recognising that the Applicant's formal written request under clause 4.6 is unnecessary, the Panel considered the Applicant's reasons for proposing an increase in the height of the building and found those reasons cogent. Accordingly, the Panel supports the modified design, which includes

an increase in the height of the building, subject to additional landscaping (including canopy trees) along the northern boundary to minimise visual impacts upon the residential area to the north.


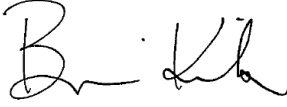



Suitable conditions have been included to require additional tree planting and for ongoing maintenance of on site landscaping in perpetuity.

#### CONDITIONS

The Modification Application was approved subject to the recommended new and modified conditions in the Council Assessment Report and as amended in the supplementary report.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

| PANEL MEMBERS   |  |
|---|--|
| <br>Nicole Gurran (Acting Chair) | <br>Brian Kirk     |
| <br>Julie Savet Ward             | <br>Lara Symkowiak |
| <br>Michael File               |  |

| SCHEDULE 1 |   |  |
|------------|---|--|
| 1          | PANEL REF – LGA – DA NO.                              | PPSSWC-242 – Camden – DA/2017/610/2  |
| 2          | PROPOSED 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.   |
| 3          | STREET ADDRESS  | 42B Bluett Drive, Smeaton Grange   |
| 4          | APPLICANT/OWNER                                       | Applicant: Genton Pty Ltd<br>Owners: The Trust Company Limited   |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | Section 4.55(2) Modification Application   |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021.</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021.</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021.</li> <li>Camden Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Camden Development Control Plan 2019</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>Council Assessment Report: 1 July 2022</li> <li>Council Supplementary Report 12 July 2022</li> <li>Written submissions during public exhibition: Nil</li> </ul>   |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>Kick off Briefing: 23 May 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Nicole Gurran (Acting Chair)</li> <li><u>Council assessment staff</u>: Averil Flaxman, Jamie Erken, Stephen Pratt and Ryan Pritchard</li> </ul> </li> <li>Final briefing to discuss council's recommendation: Monday, 11 July 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Nicole Gurran (Acting Chair), Brian Kirk, Julie Savet Ward, Michael File and Lara Symkowiak</li> <li><u>Council assessment staff</u>: Averil Flaxman, Jamie Erken and Ryan Pritchard</li> </ul> </li> </ul>   |
| 9          | COUNCIL RECOMMENDATION                                | Approval   |
| 10         | DRAFT CONDITIONS                                      | Attached to the Council Assessment Report and Council Supplementary Report   |