

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10101987 Kemps Creek Data Centre
<b>Applicant</b>	ARUP PTY LIMITED
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Acting Executive Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* [granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available here.

A copy of the Department of Planning and Environment's assessment report is available here.

### Date of decision

13 July 2023

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision

The key reasons for granting consent to the development application are as follows:

- the development would provide a range of benefits for the region and the State as a whole, including a capital investment of \$1.29 billion and the creation of up to 300 construction jobs and 79 operational jobs in the Penrith local government area.
- the development is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Plan – A Metropolis of Three Cities and the Western Sydney Employment Area.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- weighing all relevant considerations, the project is in the public interest.

## **Attachment 1 – Consideration of Community Views**

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 19 November 2021 until 16 December 2021 (28 days). No public submissions were received by the Department on the project.

The key issues raised by government agencies are addressed in detail in the Department's Assessment Report.