

Our reference: ECM: 9338762
Contact: Kate Smith
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30 October 2020

Shaun Williams
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Dear Mr Williams,

Response to Notification of SSD-10101987 – Request for Advice on SEAR's for the Kemps Creek Data Centre at 707-711, 713-755 & 757-769 Mamre Road, Kemps Creek

I refer to your request for advice on the Secretary's Environmental Assessment Requirements (SEARs) for the Kemps Creek Data Centre on 16 October 2020.

Thank you for providing Council with the opportunity to comment on the proposed development. The following comments are provided for consideration:

Orderly Development and DCP Exhibition

Council has been advised that the exhibition of the Mamre Road Precinct Wide Development Control Plan (DCP) is imminent and as such, the progression of this application ahead of this may undermine the strategic framework intended to be delivered in the precinct.

If the application is prepared and lodged ahead of DCP exhibition, it should be verified that the outcomes established will not be in conflict or undermine what is planned for, or expected to be delivered, for this site and the broader precinct.

While it is noted that the applicant suggests a site specific DCP has been prepared, this should not preclude compliance with the Precinct Wide DCP which should establish development expectations and orderly development outcomes across the entire precinct.

Contribution Planning and Infrastructure Funding

The Council's Section 7.12 Contribution Plan and the contribution rate applicable at this point in time, will not be sufficient to address the costs of local infrastructure requirements identified for this planned precinct, particularly demands for open space, roads and stormwater management.

It is requested that the Department explore potential avenues to ensure that the contribution rate to be identified for the Mamre Road Precinct contributions plan, is still captured and address in the assessment of any application progressed if that determination is made prior to the adoption of the Precinct Contributions Plan.

Planning Considerations

Relationship to SSD 9522 – Given that this request for SEARs relies on a parent application which is still under assessment, it is difficult to determine if the

proposal is consistent with SSDA 9522. It is suggested that SEARs not be granted until such time as the DA has been finalised. At that time a comparison to any changes or conditions by DPIE be assessed against the concept SSDA to confirm consistency. A disjointed outcome between the SEARs for this application and the conditions of the parent SSDA 9522 is not desirable and significantly elevates the risk of inconsistency between documentation (and by extension, inconsistency between planning outcomes).

Status of Mamre Road Precinct DCP – The Mamre Road DCP is understood to be imminent regarding exhibition, meaning that it will very likely overlap this proposal. Given that this DCP is specific to this precinct and is contingent on the delivery of outcomes across the Mamre Road Precinct, consideration of the provisions of the DCP must be accounted for once it is exhibited. This could result in changes to the proposal (re layout, setbacks, envelope controls, etc.). Once the Mamre Road DCP is exhibited, a full assessment of the proposal against the Mamre Road DCP will need to be undertaken.

Aerotropolis Precinct Plans – The precinct plans for the Initial Precincts in the Western Sydney Aerotropolis are identified as being exhibited before the end of the year, and therefore will overlap with this proposal. Given the proximity of the site to the Wianamatta South Creek Precinct, there should be assessment of the proposal for any impacts on the future vision of this precinct once these documents are released for exhibition.

Strategic Direction – The principles of the *Western Sydney Aerotropolis Plan* and Council's *Local Strategic Planning Statement* should be addressed as part of any future EIS.

Infrastructure Contributions – Mamre Road Precinct Section 7.11 Plan – Given the imminent exhibition of the Mamre Road Section 7.11 contributions plan, the strategic considerations regarding contributions contained in this plan should be considered as part of this DA, at the time when it is exhibited.

Cumulative Impact – Given the status of several other SSDAs currently, there should be consideration as to how this DA would interrelate with others in the precinct, and how they would all tie in together. Considering each SSDA in isolation will likely lead to disjointed outcomes for the precinct. Key considerations include:

- Construction and operation traffic management
- Water cycle management (including cut / fill impacts)
- Visual impact

Road Design – The roads included in the proposed architectural plans do not align with those recently considered under SSD 9522. This should be reconciled, and it should be demonstrated how access to this site (the furthest site from the Mamre Road intersection) would be able to be serviced from the commencement of operations.

Water Cycle Management – It should be demonstrated how the proposal is proposed to be managed from a water cycle perspective, given the Water Sensitive Urban Design principles identified under the Draft Western Sydney Aerotropolis Plan. This includes the provision of permeable spaces, as well as water management measures which do not affect downstream flows. Water cycle should also be considered at a larger than site precinct, given the status of the planning of the remainder of the precinct.



Visual Bulk and Scale – The site comprises two very long buildings, which are not visually broken up and therefore have potential for significant visual impacts. An assessment of this visual bulk from various surrounding points, including Wianamatta-South Creek, existing residential communities to the west and north, as well as Mt Vernon to the south should be undertaken as part of any future DA.

Design Quality – Consideration should be given to focusing visually interesting elements to the building, such as through articulation, use of materials or similar. The building arrangement and architectural form provides elongated buildings with little design treatments are articulation elements as viewed from the street. Appreciating the use is a data centre, embellishment into the architectural form should be encouraged to ameliorate the overall mass and repetition of the building as viewed from the streetscape. This may not mean the footprint is amended but the elevation form and materiality mix should be further considered.

Pedestrian Accessibility – In addition to road and freight accessibility, design measures to ensure pedestrian accessibility to and from the site should be considered as part of any future EIS.

Sustainability / Urban Cooling – Given the focus on sustainability and urban cooling in the Penrith Local Strategic Planning Statement and the Western Sydney Aerotropolis Plan, further consideration should be given to how the proposed development would respond to this issue.

Environmental Considerations

The EIS prepared to support the state significant development application should provide a detailed and comprehensive description of the proposal. All environmental impacts of the proposal will need to be identified in the EIS and supported by technical assessment reports prepared by appropriately qualified persons and in accordance with applicable legislation, guidelines and standards. I note that the Report has committed to the preparation of several documents to support the application, including a Preliminary Risk Screening Report to address SEPP 33, a contamination investigation addendum, a Noise Impact Assessment, an Air Quality Impact Statement and a Waste Management Plan.

In terms of SEPP 55, it is noted that the bulk earthworks required to ready the site for development will be captured through SSD 9522. In turn, it is assumed that the Department, as the consent authority, will ensure the suitability of the site prior to determining that proposal. As such, the site will therefore have been found to be suitable for this proposed development, with no additional investigations or remediation required. However, the applicant is proposing to provide a specific addendum document to address this site, which should adequately address the requirements of SEPP 55.

Flooding

It is understood that Infrastructure NSW are yet to complete the precinct wide flood study that will consider the cumulative impact of development, including cut and fill, upon the South Creek flood plain. This aspect was identified within SSD 9522 application for the subdivision and earthworks on this site.

The authors of the flood study for SSD 9522 may have assessed the impact of the filling upon the 500-year flood event for this boarder site, however, the cumulative impact upon adjoining future developments undertaking the same level of fill is not understood to have been assessed.

It is considered that the cumulative implications of precinct wide filling for any application progressed on this site should be further considered given the outcomes and expectations that this development will establish.

Finished Levels – Interface to Southern Boundary

Council also previously requested that the applicant confirm opportunities to defer the extent of fill in the southern residue allotment (subject of this SEAR's request). This was requested so that the filling and interface outcome to the southern boundary is not determined in the absence of the intended building form and landscape design for this lot. This is because the southern residue lot does not provide a southern perimeter road arrangement, and the allotment interfaces with RE1 zoned land.

This SEAR's request includes a building form with considerable level difference between the lot and the southern adjoining property. Council has previously advised that a maximum 1:4 landscaped batter gradient should be pursued adjacent to the southern boundary, with a maximum retaining wall height (if walls are proposed) of 2.0m. Previous suggestions of a 3m retaining wall adjacent to the southern boundary is a poor interface outcome and a 1:4 gradient can better accommodate heavy rain and minimise mulch and soil erosion on the batter slope.

The finished ground levels approved in the existing SSD application for subdivision and earthworks, will dictate the need for edge treatments and suitability if landscape interface design. The architectural plans suggest a 10m southern setback from the 9m wide loop road however inadequate detail is provided of the resulting level differences between the finished pad level and the boundary / adjacent property. This is critical to ascertain if the 10m setback is sufficient, noting the 5m setback to the fence line.

Public Road Setbacks

The architectural plans indicated a 13m setback from the northern lot boundary to an internal perimeter road (9m wide) however only 5m is proposed between the eastern boundary and protruding car park. Council has advocated that the road arrangements in the current SSD application for subdivision be revised to negate the eastern road being the primary traffic route, preferring a linear north / south road alignment to the link road. This has not been forthcoming and as such, the setbacks to the primary traffic route are critical as the setbacks should reflect those to a typical collector road and not a local street.

The 13 parking spaces protruding into the eastern setback should be deleted to allow for an unencumbered 10m landscape setback, not dissimilar to what is proposed to the northern boundary.

Further the HV Switch Yard should also be amended to provide a continuation of the 10m setback line given the abundance and exposure of the hard stand area visible from both the public domain and what will be a significant transport corridor. There also appears to be ample internal space that allows for the relocation of the switch yard to the west, without compromising the available space of the yard.

Traffic

Council's comments in relation to the subject SEAR's request are predicated by our requirements for the broader Mamre West Subdivision SSD 9522 currently under assessment. The traffic matters identified for the broader precinct under this SSD must be resolved ahead of this application progressing. Once these matters have been finalised the following comments will apply to any new application.

- The development shall be supported by a Traffic Impact Assessment of the proposed development, road and footway network, heavy vehicle and light vehicle access, complying number of heavy vehicle parking, loading and manoeuvring areas and complying numbers of light vehicle staff and visitor parking spaces including compliance with Australian Standards, Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines and Council's Development Control Plans (DCPs) including DCP C10 and/or SSD 9522 DCP if applicable.
- The Traffic Impact Assessment shall include the proposed development driveway accesses for heavy vehicles and visitor / staff car parks, sight distance compliances at intersections and driveways, arrangements for waste collection vehicles, emergency / fire service vehicles and other service vehicles, accessible parking and at least 1.8 metre wide accessible pedestrian access from the road frontage and the car park to the office buildings, at least 1.5m wide accessible pedestrian access to other buildings and car parking, car parking and bicycle provision numbers and bicycle facilities, electric vehicle charging station provisions and manoeuvring swept turn paths. This should include compliances with Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, AS 2890 including parts 1, 2 & 6, AS 1158, NSW Government Walking and Cycling Guidelines and Council's Development Control Plans.
- The Traffic Impact Assessment, plans and documentation shall include dimensioned plans of the proposed accessible paths of travel, driveways, access aisles, loading and vehicle swept path manoeuvring areas and parking spaces and sight distance requirements at intersections and driveways including compliance with Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, AS 2890 including parts 1, 2 & 6, AS 1158, NSW Government Walking and Cycling Guidelines, Council's Development Control Plans and SSD 9522 Development Control Plans if applicable.
- Heavy vehicle access from the public road shall be physically separated from vehicle access to the car parking areas for safety reasons. Car vehicular access to the carparking areas that are in conflict with heavy vehicle movements shown on the plans should be removed or addressed in the Traffic Impact Report.
- Plans shall include dimensions of driveways, ramps, aisles, parking spaces, accessible parking, bicycle parking, accessible parking and at least 1.8 metre wide accessible pedestrian access from the road frontage and the car park to the office buildings, at least 1.5m wide accessible pedestrian access to other buildings and car parking, services vehicle manoeuvring and loading areas complying with AS 2890, AS 1428, Council Development Control Plan (DCP) C10, other Council guidelines

and in accordance with SSD 9522 Development Control Plans if applicable.

- A minimum of two Electric Vehicle Charging Stations (EVCS) are to be provided within the car parking areas of each warehouse development. The charging stations are to be designed to accommodate the requirement of commercially available public vehicles and their required connector types (currently known as Type 1 and Type 2 connectors). A minimum of three additional car parking spaces are to be designed to as to be readily retrofitted as EVCS parking spaces. The installed EVCS car parking spaces are to be signposted and marked as for the use of electric vehicles only and are to be located as close as possible to the building accesses after accessible parking space priority. EVCS are to be free of charge to staff and visitors.
- Complying numbers of secure, all weather bicycle parking, end of journey facilities, change rooms, showers, lockers are to be provided at convenient locations at each warehouse development in accordance with Council Development Control Plan (DCP) C10 Section 10.7, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).
- Accessible parking is to be provided with accessible paths of travel to the facility in accordance with AS 2890.6.
- All vehicles are to enter and leave in a forward direction.
- Appropriate signage, visible from the public road and on-site shall be installed to reinforce designated vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers / visitors to on-site parking, delivery and service areas.
- The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.
- Sight distance requirements at driveways are to be in accordance with AS 2890.2 Figure 3.3 and Figure 3.4.

Should you wish to discuss any matters further and allow for further dialogue as requested between officers, please do not hesitate to contact me on 4732 7705.

Yours sincerely,



Kate Smith
Acting Development Assessment Coordinator