



Your ref: SSD-58601963
File no: MC-23-00007

1 February 2024

NSW Department of Planning, Housing and Industry
GPO Box 39
SYDNEY NSW 2001

Recipient Delivery bruce.zhang@planning.nsw.gov.au

Attention: Bruce Zhang

Dear Sir/Madam

**SSD-58601963 - Notification of exhibition of a State Significant Development
Application for Honeman Close Data Centre, Huntingwood**

Thank you for your correspondence dated 12 December 2023 requesting our comments on the above State Significant Development proposal

The applicant's Environmental Impact Assessment and supporting documents have been reviewed by Council officers and we object to the proposal in its current form. Council officers have indicated that a number of issues need to be addressed as outlined in the attachment to this letter.

Council therefore requests that these matters be comprehensively addressed and returned back to Council for further comment and consideration before any determination of this application is made by the Department.

If you would like to discuss this matter further, please contact Judith Portelli, our Manager Development Assessment on 9839 6228.

Yours faithfully

Judith Portelli
Manager Development Assessment

Connect - Create - Celebrate

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Blacktown City Council's submissions to SSD-58601963

1. Planning issues

- a. The proposal is considered to be an overdevelopment of the site. The proposal has no regard to the future road widening of Reservoir Road and the sensitive nature of the site.
- b. No subdivision plan has been provided even though subdivision is proposed.
- c. Subdivision to have the conservation area on a separate lot from the lot upon which the data centre is proposed is not supported as the conservation area must be managed and maintained by the operator of the data centre in perpetuity and therefore form part of the same land parcel.
- d. No trees have been provided in the car park but 1 tree is required every 9 parking bays under the Huntingwood Development Control Plan. This must be provided, particularly given that the proposal increases the loss of mature trees compared to the tree removal approved under DA-17-01780. It is also important to reduce urban heat generation associated with the new building and hard stand areas.
- e. The landscaping to Great Western Highway and Reservoir Road is massively reduced compared to the landscaping approved under DA-17-01780 as a result of the location of the internal loop road. The proposed internal loop road is also now located in the required 20m landscaped setback to Great Western Highway and even reduced the landscaping along the Reservoir Road to nothing. This a significant reduction in the landscaping approved under DA-17-01780 which is not supported. A fully landscaped 10 m setback is required to Reservoir Road behind the Transport for NSW road widening proposal and at least 10 m of the 20 m setback to Great Western Highway is to be fully landscaped.
- f. The proposal represents a massive parking non-compliance with the Huntingwood Development Control Plan which is not supported. It requires 225 parking spaces for the data hall component and 46 for the office component being a total of 271 spaces. Only 94 parking spaces are proposed being a shortfall of 177 parking spaces. The building's use could change at any time in the future to a use that demands full compliance with the parking rates.
- g. Further to the above point, if it is impossible to comply with the required parking rates, provide an adaptive reuse parking plan in the event that the building is ever changed to another use to show that full compliance can be achieved on-site.
- h. Provide solar panels on the roof of the proposed building as sustainable development principles are encouraged.
- i. Provide elevations with top and bottom heights for all the retaining walls proposed.
- j. Further to the point above, the proposal results in inadequate landscape screening of retaining walls along the Great Western Highway and Reservoir Road frontage. Dense landscape screening is required in front of any retaining wall facing a public road.

- k. The photomontages in the Visual Impact Assessment are misleading in that they don't include the retaining wall facing Great Western Highway, so the building should appear on top of the proposed retaining wall.
- l. The landscape plans show trees on Transport for NSW land adjacent Reservoir Road which don't exist. This is misleading, so these trees are to be removed from the plans. If tree planting is proposed on this land, provide approval from Transport for NSW for this landscaping.
- m. The proposal has far greater visual impacts due to its bulk and scale in comparison to the surrounding built form and approved development by the Court. As shown on the Visual Impact Assessment, even at the full maturity of the proposed tree planting, the building will still be clearly visible above the tree canopy. There are no other buildings of this height anywhere in the vicinity, so it is considered to be way out of character. An elevation must be provided showing the Bunnings Warehouse building and this building to show its relation to surrounding built form.
- n. The subject site is also a key gateway site into the City. The proposal in its current design form is unsatisfactory and will result in an unacceptable level of visual dominance over its locality. To reduce the building's bulk and scale, its overall height should be reduced by a floor/floors or alternatively reduce the central portion of the building by 2 to 3 levels to match the height of the service yard structures.
- o. Provide a more detailed explanation as to why this development has better social and economic benefits than the approved service station. Its environmental impacts which are considered to be greater than the impacts associated with the approved service station need to also be considered.
- p. Landscaping is to be provided in the proposed drainage swale.
- q. Over 23,000m² imported fill is required which is not supported. This fill work will only further raise the site above existing levels and so will create adverse visual, noise and traffic impacts, particularly for the nearby residents.

2. Biodiversity issues

- a. The proposal should be reconsidered by the applicant in terms of scale at this site in order to avoid any further clearing of native vegetation and threatened fauna habitat which was identified for protection in perpetuity under a Land and Environment Court Order involving a proposal on this Lot in 2019; is mapped as Critically Endangered Cumberland Plain Woodland and important habitat to Swift Parrot; occurs on the NSW Biodiversity Values map; and is identified on the Huntingwood Development Control Plan as 'conservation area'.
- b. The proposal is inconsistent with conditions of consent set out in the Land and Environment Court Issued Judgement/Order on DA-17-01780 dated 28th June 2019 which states that a public positive covenant as referred to in section 88E (2) of the Conveyancing Act 1919 must be registered and recorded on the title of the land such that "The land within the Conservation Lot under Huntingwood Development Control Plan must be maintained as a conservation area in Perpetuity".

- c. There is an internal road proposed within the 10 m wide setback from the road reserve to Reservoir Rd and the 20 m wide setback on the Great Western Highway sides. This is not supported.
- d. Regarding the Biodiversity Development Assessment Report by EMM dated 8 Nov 2023, some areas of native vegetation have not been included in the 1500 m site context (percentage native vegetation) calculation as input to the BAM calculator e.g. additional small areas along the creeklines in Boiler Reserve, around the waterfront in Prospect Reservoir, along Bungarribee Creek, within local streets and parks and along the Western Motorway (Figure 2/Section 3.3 of the Biodiversity Development Assessment Report). Inclusion of all native vegetation in the 1500 m area should increase the cover class to over 30%.
- e. Regarding the Biodiversity Development Assessment Report, Swift parrot should not be removed from candidate species credits for further assessment given the important habitat mapping for swift parrot on site. The map covers locations important for foraging/over-wintering for this Critically Endangered migratory species.
- f. The Biodiversity Development Assessment Report does not currently assess cumulative impacts of the proposed clearing in addition to previous recent clearing on site. This is especially relevant given that the court determined in 2019 that the area of vegetation left onsite is to be managed as a conservation zone and protected from clearing, erosion and sedimentation.
- g. The Biodiversity Development Assessment Report mentions that a drainage culvert under Reservoir Rd is to be rediverted around the data centre with construction of a swale. The location of the swale is not shown or assessed in the Biodiversity Development Assessment Report. Please confirm if these earthworks will result in additional clearing and if the hydrological impacts to the retained native vegetation/conservation area have been considered.
- h. Plant Community Type (PCT) assignment in the Biodiversity Development Assessment Report needs to be revised. The PCT identification is important for correct credit allocation; assessment of the quantum of clearing area of potential SAI entity Cumberland Plain Woodland; and referral to the Commonwealth under the Environment Protection and Biodiversity Conservation Act. Currently, the 0.34 ha of native vegetation identified to be cleared for the proposal on site has been zoned into 0.29 ha of Critically Endangered Ecological Community Cumberland Plain Woodland (PCT 849) and 0.05 ha of Endangered Ecological Community Cumberland Riverflat Forest (PCT 835). The justification for any PCT 835 presence on site is questioned by Council given the following:
 - Published native vegetation mapping for the site is consistent that the entire site is PCT 849 Critically Endangered Ecological Community Cumberland Plain Woodland (National Parks and Wildlife Services 2000, Office of Environment and Heritage 2013 and Department of Planning Industry and Environment 2022);
 - The Huntingwood Development Control Plan identifies only Cumberland Plains/Shale Plains Woodland (PCT 849) on site;

- The Biodiversity Development Assessment Report reports that there are no rivers, stream, estuaries, open water or natural watercourses on site which are where Cumberland Riverflat Forest (PCT 835) would typically occur;
 - Tabling all species recorded in plot 3 (determined in the Biodiversity Development Assessment Report as 835) results in equal numbers of species characteristic of PCTs 849 and 835;
 - The tree species *Angophora floribunda* occurring in this part of the site is less frequently but still associated with the NSW Scientific Determination of PCT 849 and does not make it PCT 835;
 - The majority of species recorded in plot 3 are known to occur in both 849 and 835 communities e.g. *Microlaena stipoides*, *Themeda triandra*, *Eucalyptus tereticornis*, *Eucalyptus moluccana*, *Commelina cyanea*, *Vernonia cinerea*, *Opercularia diphylla*, *Glycine clandestine* and *Desmodium varians*;
 - None of the typical lower stratum tree species diagnostic of PCT 835 are present e.g., *Casuarina*, *Melaleuca*;
 - The single shrub species present in this area *Daviesia ulicifolia* is not typical of 835, rather 849;
 - The forb present in this area *Brunoniella australis* is not typical of 835, rather 849;
 - *Persicaria decipiens* is just typical of stormwater culverts in the area and does not make it Cumberland Riverflat Forest (PCT 835).
- i. Details on proposal lighting and design control of light spillage into onsite retained native vegetation that might be disruptive to nocturnal fauna should be demonstrated and discussed in the Biodiversity Development Assessment Report.
 - j. The Bushfire Report is a little confusing stating on the one hand that the proposed building is located sufficiently from the hazard interfaces to exceed the minimum required Asset Protection Zones for residential development (and that there is no Bushfire prone land mapped on site); while on the other hand recommending that all grounds within the subject property to the northern, eastern and southern boundaries and for a minimum of 17 m to the west be maintained as an Inner Protection Area Asset Protection Zone and that any new landscaping is to comply with this. The bushfire consultant must clarify the adequacy/suitability of the planned vegetation retention areas given the IPA recommendation and the proposed landscaping for the site under this industrial proposal.

3. S7.11 Contributions

- a. The applicant is to enter a Voluntary Planning Agreement with Council for the proposed development prior to this application being approved. No consent can be granted without a Voluntary Planning Agreement for the development.

4. Heritage

- a. The site has high significance in terms of cultural and natural values. Therefore, explore the potential for underground parking to:
- reduce the extent of hard stand
 - conceal unsightly services
 - improve security
 - increase landscaping along the heritage road
 - increase urban cooling

5. Engineering

- a. The proposed engineering plans will require concurrence from Transport for NSW for the island extension approved under DA-17-01780 to keep left in/left out for vehicle movements for the proposed development. This concurrence is to be provided to Council prior to this application being approved.

6. Drainage

- a. The following supporting documents must be provided in electric format for assessment:
- The onsite stormwater detention spreadsheet version 2.4 including the filter cartridges
 - Model for Urban Stormwater Improvement Conceptualisation to confirm the reduction target and the non-potable reuse target are achieved.
 - DRAINS model to confirm the drainage design on both internal and external of the site including the overland flow swale
- b. The submitted Civil and stormwater SSDA design report, ACOR Consultants, Document Number NSW201213, Revision 4 and dated 07/11/2023 must be amended as follows:
- the details of the proposed onsite stormwater detention and storm filter tank must be provided including details of the control pit, orifice level weir level and cross-section of the tanks. The low flow orifice plate was not proposed in the onsite stormwater detention as the control discharge from the filter chamber. The replacement of the low flow orifice must be included in the onsite stormwater detention spreadsheet.
 - the details of the proposed oil containment and separation system must be provided in the submitted plan including details of the location, connection and designed level.
 - The details of the permanent discharge point from the onsite stormwater detention system must be amended. The site discharge point must be connected

into the existing drainage system on road reserve. More details must be provided.

- In Stormwater Drainage Details sheet 4, the calculations of the Water Sensitive Urban Design chambers flow are incorrect. Some typing error might have occurred.
- Four inlet pipes are proposed to discharge into the proposed rainwater tank. Please provide the inlet pipes in cross-section 1 of the submitted plan.
- The details of the overland flow swale must be provided including the cross section, longitudinal section and 1% Annual Exceedance Probability water level.
- The overland flow swale collects the headwall from Reservoir Road. The applicant proposed to discharge the collected water into the vegetation conservation area. The applicant must demonstrate the water quantity, quality and flow of the swale does not have any negative impact to the vegetation areas. If any water quality treatment device is required, it must be separated from the provided onsite stormwater detention and filter chamber.

7. Greenspace Services

- a. Provide an amended Arboricultural Impact Assessment Report which assesses the full impacts of the proposed development on the arboricultural assets of the property. At a minimum, the report should provide assessment of the likely impacts of aspects such as:
 - the proposed stormwater/drainage design, including aspects such as:
 - i. alterations to the existing hydrology,
 - ii. potential periodic inundation of the conservation area.
 - the proposed civil works eg. retaining walls,
 - any other relevant aspects of works required as part of the proposed development.
- b. The amended Arboricultural Impact Assessment Report must address the impacts of proposed works on all trees within the property.
- c. It is strongly recommended that the proposed development be redesigned to retain the dimensions of the conservation area, as defined by the NSW Land and Environment Court, and all trees which occur within that area.