



PLANNING AND INFRASTRUCTURE

Planning Unit

30 July 2024

Director Industry Assessments
Housing Supply and Infrastructure
Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124
Att: David Auster

Dear David,

**Re: State Significant Development Application Number SSD-66777221
2-8 Lanceley Place and 14 Campbell Street, Artarmon.**

I am writing to you regarding the State Significant Development Application Number SSD-66777221 at 2-8 Lanceley Place and 14 Campbell Street, Artarmon.

Council officers appreciate the opportunity to make formal comment and are broadly supportive of the proposal. However, in Council's view the stated objectives of the development are not being reached in the current proposal, with particular regard to design excellence, landscaping, sustainability and developer contributions.

Council's submission is provided at **Attachment 1**. Suggested engineering and other appropriate conditions (from SSD – 48478458 Development Consent approved 21 December 2023 on the subject site) are provided at **Attachment 2**. Note that not all matters raised in this submission are addressed as conditions in **Attachment 2**.

1) The principal concerns of Council are summarised as follows:

A. Surrounding context

Under *Willoughby Local Environmental Plan 2012* (WLEP 2012), the site is zoned E4 General Industrial but is located on the edge of the zone and is adjoined by land zoned E3 Productivity Support. Maintaining a positive and contextual relationship with the adjoining sites and surrounding buildings to the west is crucial to ensure the objectives of both zones continue to be met. In particular, the impact of the mass and scale of the proposal needs to be mitigated through the achievement of design excellence and appropriate landscape treatments.

B. Design excellence

It is considered reasonable for the proposed development to achieve design excellence reflective of its context. The Environmental Impact Statement (EIS) prepared with the SSD application lists a number of objectives regarding design excellence, sustainability and landscaping. In Council's view the relevant design excellence objectives have not been met. Many of the issues identified below arise from deficiencies in this regard and further consideration is required.

C. Employment generation

Employment is an important objective of the E4 General Industrial zone under WLEP 2012. In addition, Data centres are a growing use within the Artarmon Industrial Area. It is important that the precinct can house a range of appropriate employment generating uses to ensure its ongoing viability and success.

Council recommends that analysis be undertaken and documented as part of the application confirming that the proposed use will not adversely affect the precinct's wider capacity to deliver sufficient and diverse employment into the future.

D. Floor Space ratio and ancillary office

The requested FSR of 1.91:1, above the 1.5:1 permitted for this amalgamated site under WLEP 2012 (and not including significant void space related to the Data centre use) is a concern. However, should the proponent be able to address the other concerns raised in this submission in full, then the variation may be considered justifiable.

The office as currently proposed is ancillary to the main use. It is considered appropriate to place a condition on any consent that the office component must be ancillary to the primary use as a Data Centre.

2) Further consideration required is summarised as follows:

A. Built Form

Given the scale and location, and as noted previously in this submission, a high standard of design excellence is considered a reasonable expectation for this proposal. To this end further consideration is requested to minimize the defensive urban design elements presenting to Campbell Street and Lanceley Place, and to provide a more integrated urban design solution, going beyond minimum standards regarding context including landscape and public space and delivering best practice for environmentally positive design.

B. Sustainability

Under the stated objectives of the development in the EIS, the proponent has linked achieving design excellence to sustainability measures to reduce energy consumption. Council requests that the proponent gives further consideration to achieving a 'zero waste' outcome, comprehensive water harvesting and re-use systems on site to support landscape irrigation, and explores other ways that the development can effectively deliver carbon capture and review the proposal against climate change projections for the location.

C. Car parking and bicycle parking

Council notes the proposed use, permanent staff and limited visitors to the site. It is also noted that the site is serviced by buses from the Pacific Highway and approximately 800m walking distance from St Leonards Station.

Council would support a reduction in car parking from 41 to 33 spaces, which would service proposed employees, provided this facilitates increased landscaping (to address other issues identified in this submission around design excellence and tree retention).

There are 4 bicycle parking spaces proposed. Council Traffic and Transport team would support increased provision of bicycle parking, which should be part of a Green Travel Plan for the development.

D. Treatment of Campbell Street and Lanceley Place

A shared path has been recently created in front of the subject site. Council seeks for this shared path to fully integrate with the 3m wide shared path to the Pacific Highway. In this regard Council supports the shared path along the subject site's Campbell Street frontage at a width of 3m excluding obstructions including trees, and the upgrading of kerb ramps on both sides of Campbell St to facilitate a safer connection. Any required setback area to facilitate a 3m wide shared path is requested to be subject to public rights of way.

Council also requests a pedestrian refuge island be provided to ensure safety for pedestrians crossing Lanceley Place and pedestrian amenity along southern side of Campbell St.

3) Requested additional information, clarification or technical matters is summarised as follows:

A. Connecting with country landscape rationale

The design with country narrative would appear to be a standardized statement and neither site nor project specific. A site and project specific statement is requested and this should inform design and landscaping landscape amendments.

B. Existing and proposed landscaping

There are a total of twenty six trees on the site, all of which are proposed for removal. Trees 12, 13, and 14 are weed species and exempt from removal, and a further three with poor health and structure, which potentially would be considered exempt.

Approval of the remaining twenty trees for removal would require sixty replacement trees under *Willoughby Development Control Plan (WDPC)*, Part G, which requires replacement at a rate of 3:1. The Landscape plans propose thirty eight new trees to be planted throughout the site, with seven of those being on the level 8 roof top. This is a shortfall in on-site planting of twenty two trees. Under Willoughby DCP Part G the Tree Offset Planting Scheme would allow for entering a deed of agreement and payment for the remaining required trees not being replanted on site. Conditions for the Tree Offset Planting Scheme should be included in any consent. The current tree offset planting fee is \$2,315 per required tree. Therefore, the fees for the twenty two trees would be \$50,930, noting that the fees are reviewed annually and are subject to change.

There is a lack of landscape and planting around the entrance and car park area, with the only planting near the building entrance being a "movable planter". Additional tree planting to provide some canopy shading to the car park areas will assist in reducing urban heat, will provide additional softening of the built form, and will also soften the impact of the paving expanse at the frontage.

C. Vehicle access

Insufficient information has been submitted regarding vehicle access (in particular, confirmation the design meets the requirements of the AS2890 series of standards). Additional information should be required to address this prior to any approval.

The plans include a secondary vehicle access point via Lanceley Place, towards the corner with Campbell Street (and that main vehicle access point). It is not clear why all access cannot be provided from Campbell St. Concern is raised with the proximity of this second access point to the main access. Council requests further justification be provided or the plans be amended to remove the second access point; removing the additional access will provide further opportunities for improvements to the landscaping.

D. Stormwater

Greater detail is required regarding the proposed OSD and water quality improvement system, and connection to the existing Council system, to determine whether Council's requirements are satisfactorily addressed. This is more fully explained in the submission at **Attachment 1**, with conditions also being provided at **Attachment 2**.

E. Public Domain

A new shared path has recently been constructed by Council in Campbell Street, fronting the site. Street trees have been planted as part of these works. Security should be provided to Council to assist in managing the risk to these public assets. Provision of an appropriate bond based on Council requirements should be included in any conditions of consent.

Council engineers have also included appropriate requirements for the treatment of Lanceley Place and Campbell Street in the submission.

F. Waste provision

The operational waste management plan (OWMP) has not been uploaded to the NSW Planning Portal and provided for review, and should be provided for assessment.

The OWMP is requested to address all relevant issues including waste practices in office spaces, other waste types in office spaces, waste service monitoring and reporting and E-waste from data halls.

G. On-street parking

Analysis should be provided with the application in regards whether any on-street parking is lost as a result of the development. Council seeks to retain on-street parking where possible and reasonable.

H. Construction Traffic

Having regard to the number of truck movements during the construction phase, it is requested that construction vehicles access the site via Lanceley Place to minimise impacts in Campbell Street.

I. Developer contributions

At present Council is unable to assess whether appropriate developer contributions have been provided to provide for demands on infrastructure.

The EIS states that an Estimated Development Cost (EDC) report has been prepared by Linesight, however this is not available on the NSW Planning Portal. Council requires this report for its consideration in the assessment of this SSD application. Council requests that a peer review of the proposed costs be undertaken to ensure the basis for calculation of infrastructure contributions is sound.

Reference is made in the Environmental Impact Statement to the proposal being subject to the Housing and Productivity Contribution. No detail is provided regarding what this might be.

Council's Section 7.12 (7.11) Development Contributions Plan is the minimum contribution required of development in the Willoughby LGA. This should be conditioned, as proposed in **Attachment 2**.

Under the landscaping section of this submission, reference is made to the appropriate fee for tree removal, having regard to WDCP Tree Offset Planting Scheme.

Council would also be supportive of a public art contribution consistent with the Willoughby Public Art Policy. It is noted that Council would welcome further engagement with the proponent in this regard.

J. Conditions from SSD – 48478458 Development Consent approved 21 December 2023

A number of conditions provided for the recent SSD – 48478458 Development Consent approved 21 December 2023 for a warehouse and distribution centre on the subject site should be provided in any development consent for this SSD.

Refer to **Attachment 2**.

These conditions, are subject to change to reflect this submission, and address administrative matters, utilities, services and public infrastructure, contributions to Council, environmental conditions regarding traffic and access, pollution, hazards, risks and contamination, construction management, waste management, visual amenity environmental management, reporting and auditing.

Should you have any question in regards this letter and the attached, please contact Craig O'Brien – Acting Team Leader Strategic Planning on (02) 9777 7647.

Yours sincerely,



Dyalan Govender
Acting Head of Planning

ATTACHMENT 1

1) Rationale behind submission

A. Surrounding context

The subject site as well as surrounding properties to the south and east and are zoned E4 General Industrial under WLEP 2012. Directly opposite to the north is a site zoned SP2 Infrastructure (Electricity Transmission and Distribution).

The subject site is located on the edge of the E4 zone and is adjoined to the west by land zoned E3 Productivity Support. In the E3 zone, there has been significant redevelopment in recent years, with particular regard to the old ABC site at 217 Pacific Highway, 2 Campbell Street and sites fronting Broadcast Way. This area includes Gore Hill Technology Park. There are a number of already approved data centres in this area, including 2 Broadcast Way (S3 Sydney Data Centre, NextDC) and the Gore Hill Data Centre (Keppel Data Centres).

The subject site is located adjacent to 1 Broadcast Way (Ausgrid Artarmon Depot).

Maintaining a positive and contextual relationship with the adjoining sites and surrounding buildings to the west is crucial to ensure the objectives of both zones continue to be met. In particular, the impact of the mass and scale of the proposal needs to be mitigated through the achievement of design excellence and appropriate landscape treatments.

B. Design excellence

It is Council's understanding that there has been no competition or panel process to determine design excellence regarding this state significant development application.

It is considered reasonable for the proposed development to achieve design excellence reflective of its context. The EIS prepared with the SSD application lists a number of objectives regarding design excellence, sustainability and landscaping. In Council's view the relevant design excellence objectives have not been met. Many of the issues identified below arise from deficiencies in this regard and further consideration is required.

The Environmental Impact Statement (EIS) prepared for the SSD application (6 June 2024) notes on Page 7 and 8:

"Specifically, the intended objectives of the development are to:

...

- Deliver significant landscaping upgrades and ground floor activation of the corner block site through generous setbacks and green spaces interfacing with the public domain.*
- Achieve design excellence through high-quality architectural, urban and landscape design built form.*
- Implement strong sustainability measures that reduce energy consumption and mitigate unacceptable environmental and amenity impacts."*

The EIS also states on p. 15 that the key objectives for the proposed development are to:

- *“Achieve design excellence through high standard architectural, urban and landscape design and sustainability measures to reduce energy consumption.*
- *Deliver improvements to the existing streetscape, site appearance and new infrastructure to benefit the site and locality.”*

Council’s Urban Design Specialist who has reviewed the proposal and concluded:

“This development, as presented in the DA, will not make a detrimental contribution to the design quality of its context within the Artarmon Industrial Area, however its contribution is acceptable rather than benchmark, and limited in its capacity to be acknowledged as ‘Excellent’.”

The achievement of design excellence (and the intended development objective dot point 2 (p. 7 and 8) and development key objective dot point one (p.15) above) is not considered satisfied by the current proposal.

C. Employment

As noted above, the subject site is zoned E4 General Industrial under WLEP 2012. The objectives of this zone include:

- To encourage employment opportunities.
- To accommodate industrial development that provides employment and a range of goods and services without adversely affecting the amenity, health or safety of residents in adjacent areas.
- To protect the viability of employment zones in Willoughby by permitting offices that are ancillary to, and used in conjunction with, industrial, manufacturing, warehousing or other permitted uses on the same land.

In the EIS discussion of public interest, employment is addressed as follows:

“The proposal will provide employment opportunities for workers in the locality and Greater Sydney with approximately 669 full time equivalent (FTE) construction jobs over a two-year construction period and approximately 30 direct operational jobs in the information and technology, security and property management industries.”

It is noted that 30 long term jobs are provided to accompany a total gross floor area of 26,769m².

The large floor space to employee ratio is a concern to Council, having regard to employment being an important objective of the E4 General Industrial zone under WLEP 2012. It is recognised that data centres are a growing use within the Artarmon Industrial Area and while this is supported in principle, it is also important that the precinct can house a range of appropriate employment generating uses to ensure its ongoing viability and success.

Council recommends that analysis be undertaken and documented as part of the application confirming that the proposed use will not adversely affect the precinct’s wider capacity to deliver sufficient and diverse employment into the future.

D. Floor Space ratio and ancillary office

Under WLEP 2012, the maximum FSR shown for the site on the Floor Space Ratio map is 1:1. However, in accordance with Clause 4.4A of the LEP, as the site is located within Area 5 on the Floor Space Ratio map, and has an area greater than 1000sqm, the maximum FSR is 1.5:1.

“4.4A Exceptions to floor space ratio

- (1) A reference in this clause to a numbered area is a reference to land in the area with that number on the Floor Space Ratio Map.*
- (2) (2) The maximum floor space ratio for a building in the area and with a site area specified in the table to this subclause is the floor space ratio specified opposite.*

| <i>Area</i> | <i>Site Area</i> | <i>Maximum Floor Space Ratio</i> |
|---------------|-------------------------------|----------------------------------|
| <i>Area 5</i> | <i>>1,000m²</i> | <i>1.5:1</i> |

The proposal has a site area of 14,024m².

The site is therefore subject to a maximum FSR of 1.5:1.

The floor space ratio proposed in 1.91:1 is spread over 10 storeys (total height proposed is 51.479m).

The total GFA of 26,679m², can be broken down as follows:

- Data Hall: 11,683m²
- Office Premises: 1,732m²
- Storage: 1,628m² Amenities: 575m²
- Circulations: 11,513m²

Significant void space, related to the data centre use, has not been counted as FSR.

The floor space ratio represents:

- a 0.41:1 or 27% variation from the development standard (1.5:1) and
- an additional GFA of 5,749.84m² on the site compared to that which is provided by the development standard (being a maximum of 21,036m²).

The requested FSR of 1.91:1, above the 1.5:1 permitted for this amalgamated site under WLEP 2012 (and not including significant void space related to the Data Centre use) is a concern. However, should the proponent be able to address the concerns raised in this submission in full, then the variation may be considered justifiable.

The office as currently proposed is ancillary to the main use. It is considered appropriate to place a condition on any consent that the office component must be ancillary to the primary use as a Data Centre.

2) Further consideration required

A. Built Form

Given the scale and location, and as noted previously in this submission, a high standard of design excellence is considered a reasonable expectation for this proposal. To this end further consideration is requested regarding the following:

- Minimising defensive urban design aspects of the presentation to surrounding streets (Campbell Street and Lanceley Place) and providing a more integrated urban design solution.
- A design going beyond minimum standards and better addressing the site's context, including improved landscaping and public space, while also providing for the technical requirements of the Data Centre.
- Establishing and delivering best practices for environmentally positive design that could support necessary infrastructure such as Data Centres as catalysts for further sustainable development and as expressions of regenerative design in accordance with the requirement to meet suitable standards of design excellence.

The above issues should be further reviewed and should inform amendments to improve the proposal. Consideration may be given to the required built form amendments being addressed as conditions in any consent.

B. Sustainability

Under the stated objectives of the development in the EIS, the proponent has linked achieving design excellence to sustainability measures to reduce energy consumption. IN principle this is supported, however, in Council's view the proposal does not meet the principle.

Having regard to achieving design excellence and development key objective dot point one (EIS, p.15) above, the proponent is requested to give further consideration to:

- How the development might achieve a 'zero waste" (circular) outcome by the provision of supporting infrastructure such as waste recycling facilities and storage, and organic waste separation and / or composting. This is also addressed in the Waste Section of this submission below.
- Provision of comprehensive water harvesting and re-use systems on site to support landscape irrigation.
- Exploring other ways that the development can effectively deliver carbon capture through treatment and management of waste heat and façade design.
- Reviewing the proposal against climate change projections for the location, particularly considering how the building might function and how workers can remain safe and thermally comfortable during events such as power failures and water restrictions.

The above issues should be further reviewed with amendments encouraged. There is no objection to these sustainability amendments being addressed as conditions in any consent.

C. Car parking and bicycle parking

Car parking during the operational phase is explained in the EIS as follows:

“The proposed data centre facility includes 41 parking spaces at-grade. Car parking rates were based on the Willoughby DCP target rate of 1 space/100m² of factory floor area (including any storage areas) plus 1 space/60m² of office and showroom area accessible to the public, for land uses comprising ‘industrial activity, including high technology industries’.

The TIA (Traffic Impact Assessment) notes “the proposed development yield results in a requirement of 282 car parking spaces. However, it is critical to note that the proposed development is not a typical warehouse development for high technology industries, which would be used to deliver and store products. Importantly, the proposed development would be a data centre and therefore, would be utilised by a much smaller number of staff and visitors compared to typical industrial land uses”.

Car parking is further explained in the EIS as follows:

“The TIA notes that considering the staffing arrangement, with 30 people on site at any given time and the limited visitor interaction within the data centre operation the provision of 41 car parking spaces is deemed acceptable for staff and visitor use.”

On P. 34 of the EIS there is reference to 46 jobs over two shifts involving data centre engineering workers (11 staff and 2 managers per shift) and data centre operations workers (20 staff per shift).

Council notes the proposed use, permanent staff and limited visitors to the site. It is also noted that the site is serviced by buses from the Pacific Highway and approximately 800m walking distance from St Leonards Station.

On this basis, and considering the most efficient use of land regarding outcomes, Council would support a reduction in car parking from 41 to 33 spaces, which would cover proposed employees, provided the area was provided as landscaping (and potentially addressing other issues identified in this submission around design excellence and tree retention).

There are 4 bicycle parking spaces proposed. Council Traffic and Transport team would support increased provision of bicycle parking which should be part of a Green Travel Plan for the development.

There are 4 bicycle parking spaces proposed. Council Traffic and Transport team would support increased provision of bicycle parking which should be part of a Green Travel Plan for the development.

D. Treatment of Campbell Street and Lanceley Place

A new shared path has been constructed by Council in Campbell Street, along the Pacific Highway down to the subject site. Cycle and pedestrian movement has also been improved in Broadcast Way and through the Gore Hill Technology Park to the Pacific Highway.

A shared path has been recently created in front of the subject site. Council seeks for this shared path to fully integrate with the 3m wide shared path to the Pacific Highway. In this regard Council supports the shared path along the subject site's Campbell Street frontage at a width of 3m excluding obstructions including trees, and also request the upgrading of kerb ramps on both sides of Campbell St to facilitate a safe connection. Any required setback area to facilitate a 3m wide shared path is requested to be subject to public rights of way.

It is noted that the pedestrian counts were undertaken on 7 June 2022 while the adjacent Next Data Centre was under construction. This may have affected the data collection of pedestrian volumes and may not have reflected the actual usage along the southern footpath of Campbell Street. It is requested a pedestrian refuge island be provided to ensure safety for pedestrians crossing Lanceley Place.

3) Requested additional information, clarification or technical matters

A. Connecting with country landscape rationale

The design with country narrative would appear to be a standardized statement and is neither site nor project specific. A site and project specific statement is requested, and it should inform the required landscape and design amendments.

B. Existing and proposed landscaping

There are a total of twenty six trees on the site, all of which are proposed for removal. The arborist's report identifies seventeen of those trees are listed as having a low or very low retention value, and eight with a moderate retention value. One tree is listed as having high retention value.

Trees 12, 13, and 14 are weed species and exempt from removal, and a further three with poor health and structure, which potentially would be considered exempt.

None of the existing trees are listed on the natural heritage register, or considered to be remnant trees.

Approval of the remaining twenty trees for removal would require sixty replacement trees under Willoughby DCP Part G, which requires replacement at 3:1. The Landscape plans propose thirty eight new trees to be planted throughout the site, with seven of those being on the level 8 roof top. This is a shortfall in on-site planting of twenty two trees. Under Willoughby Development Control Plan (WDCP) Part G, the Tree Offset Planting Scheme would allow for entering a deed of agreement and payment for the remaining required trees not being replanted on site. Conditions for the Tree Offset Planting Scheme should be included in any consent. The current tree offset planting fee is \$2,315 per required tree. Therefore, the fees for the twenty two trees would be \$50,930, noting that the fees are reviewed annually and are subject to change.

There are a number of mature established trees along the Campbell Street frontage (trees 18 - 25) proposed to be removed and replaced with a group of native trees in the same location. It was noted in Appendix I – Landscape Report that “due to security and operational constraints, all existing trees are proposed to be removed”. This was noted to

be due to the construction method of the proposed 3m high security fence requiring a continuous strip footing that will intersect the roots of these trees. The root zone encroachment for each tree has not been clearly shown on the plans or in the arborist's report and details of the fence and strip footing have not been provided. More detailed plans should be provided and this should be further interrogated as part of the assessment. Options for retention of these trees should be considered.

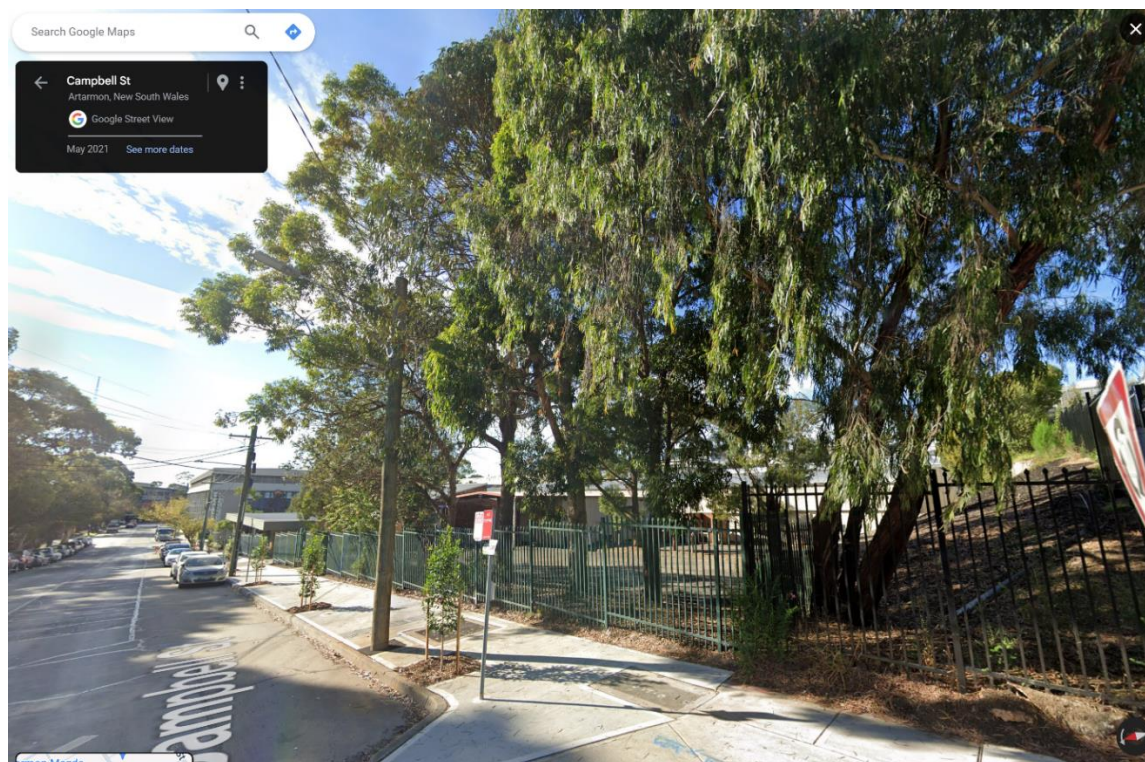
The elevation on the architectural plans shows the car park and civil levels to be lowered from the existing ground levels.



Architectural elevation showing carpark and civil levels below the existing natural level.

The plans do not show any retaining walls around the car park, which suggests it will be a sloped garden bed from the existing boundary levels down to the carpark level, however, the plans are unclear on this.

More detailed investigation of the root systems of trees 18-25 and some minor alterations to the design for the car park area and fence footings to maintain the existing carpark levels could allow for the retention of these established trees and should be investigated.



Google street view (image: May 2021) of existing trees along Campbell Street in NE corner of the site proposed for removal.

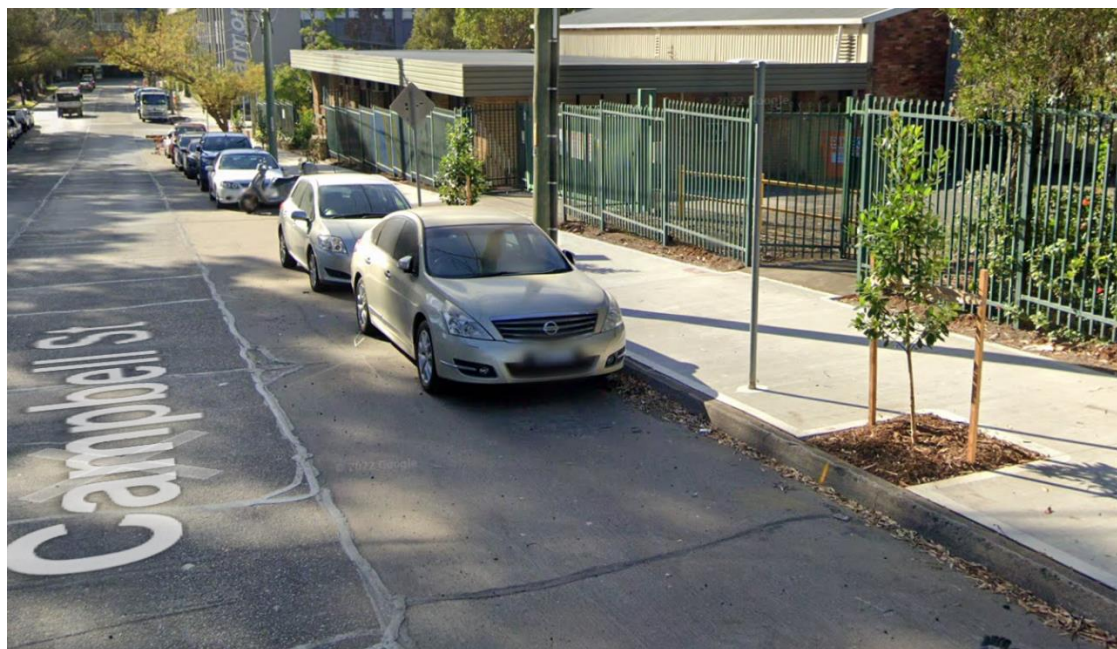


Google street view (image May 2021) of existing trees along Campbell Street in NE corner of the site viewed from Campbell Street approaching from Pacific Highway.



Google street view (image May 2021) of existing trees along Campbell Street in NE corner of the site viewed from Campbell Street approaching from Clarendon Street.

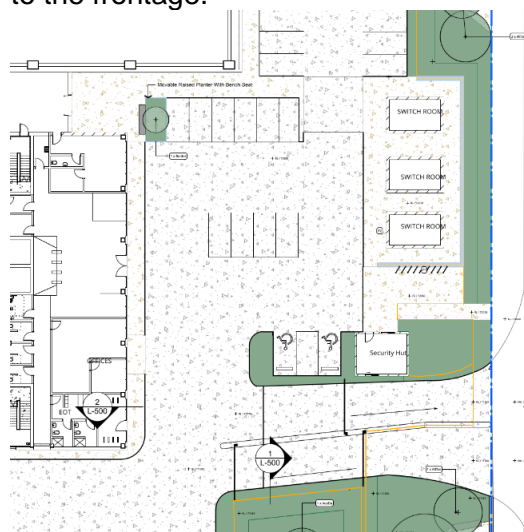
There are recent street tree plantings of *Tristaniaopsis laurina* (Watergum) in the road verge along Campbell Street, which appear to have been planted in early 2021 as part of footpath upgrade works. The street trees are not noted in the arborist's report or shown on any plans. This is further discussed in the Public Domain section below.



Google street view of existing street trees (image: May 2021).

Whilst the landscaping appears to address the streetscape area frontages, there is a lack of landscape and planting around the entrance and car park area, with the only planting near the building entrance being a "movable planter".

Additional tree planting to provide some canopy shading to the car park areas will assist in reducing urban heat, as well as additional softening of the built form and paving expanse to the frontage.



Landscape Plan of front entrance to the building.

C. Vehicle access

The plans submitted for the vehicle access point have not clearly demonstrated that it fully complies with the requirements of the AS2890 series of standards nor that the extent of the vehicle crossing is suitable for the design vehicle while meeting pedestrian safety requirements. The swept path diagrams provided are drawn over aerial photos in the road reserve, and are not clear on the extent of the crossing proposed. Plans for the crossing itself are not provided, with the only dimension the distance off the corner. While this demonstrates that it meets the minimum distance required by AS/NZS 2890.1, insufficient detail is provided to confirm that this can be achieved. It also does not include the location of the existing Council stormwater pit, so it is not possible to confirm if the proposed new crossing will impact this infrastructure. In addition, while not detailed on the plans, it appears that the proposed crossing location will result in the loss of 1-2 street trees, which does not comply with Council's Guidelines for Vehicle Crossings.

We note that under the Roads Act 1993, approval is required from Council for any new vehicle crossing or works within the road reserve. In order to ensure that any such crossing meets Council's requirements, approval for the crossing needs to be obtained prior to the issue of any Construction Certificate. Detailed plans will need to be submitted to Council, and must include, but not be limited to, the following:

- Crossing widths that comply with Figure 3.2 of AS2890.2.
- Separate laybacks provided at the kerb line for the entry and exit, with separation between the two.
- Within the road reserve, sufficient separation is to be provided for the entry and exit to provide a safe waiting area on the shared path for pedestrians and cyclists
- Details of the location of all existing street trees, stormwater pits and any other Council infrastructure
- The edge of any crossing, including the wing on the layback, is to be located a minimum of 1m from any existing Council stormwater pit.

In the amalgamation of two existing sites (2-8 Lanceley Place and 14 Campbell Street), Council's normal practice is to require consolidation of vehicle access and egress relating to the new larger and redeveloped site via one street, rather than two streets. The plans include a secondary access point via Lanceley Place, detailed as emergency access. Council requests further justification be provided or the plans be amended deleting the Lanceley Place access, noting that removing the additional access will provide further opportunities for landscaping.

D. Stormwater

Council officers are unable to determine if the proposed OSD and water quality improvement system complies with Council's requirements as insufficient detail is provided. Furthermore insufficient details are provided regarding the proposed connection point to the existing Council system, with the information provided indicating an unacceptable solution being that the proposed point is to a WSUD system.

The stormwater system for the site is to include an OSD system that incorporates the following:

- Minimum volume = 533m³
- Maximum discharge from site = 252L/s in 1%AEP storm event

- Minimum invert level of OSD tank to be above the downstream 1%AEP water level – minimum 70.50m

To address water quality issues, the stormwater system for the site also needs to include a water quality improvement system, designed in accordance with the requirements of Section 11.2 of Technical Standard 1.

The connection point to the Council system is to be via the existing Council pit in the centre of Lanceley Place, immediately to the south of the intersection with Campbell Street.

The plans provided do not provide details of the location of any diesel tanks on the site nor of measures proposed to prevent diesel spillage to the stormwater system in the event of a leak or break.

Conditions of consent have been suggested as **Attachment 2**.

E. Public Domain

Existing vehicle crossings serving the site need to be removed and the kerb and gutter and footpath reinstated. Where the existing footpath is damaged by the works, replacement with new is required. Given the extent of works and structures within the site adjacent to the path that will cause damage to the path during demolition works, the development should include reconstruction of the footpath and the kerb and gutter for the full frontage of the development site in Lanceley Place.

A new shared path has recently been constructed by Council in Campbell Street, fronting the site. This includes planting of new street trees (discussed above under Existing and proposed landscaping). It is not clear of the impact of the development on these works. We note that Council does not support the removal of street trees and any removal needs to include provision of new trees in accordance with Council's policy.

F. Waste provision

The operational waste management plan (OWMP) has not been uploaded to the NSW Planning Portal and provided for review. Appendix FF Waste Management Plan is actually the Hazardous Materials Survey (which is a duplicate of Appendix GG).

The OWMP should be uploaded to the portal and be made available for consideration as part of the assessment of this SSD application.

The assessment below is based on the available information, noting that it is not possible to fully assess the proposed development in terms of waste management, particularly for waste management procedures and practices. Any OWMP should satisfactorily address all relevant issues including:

- i) Waste practices in office spaces
Currently, the proposed development does not appropriately consider waste management in the office spaces. Waste management systems in office spaces should address the following items:
 - Adequate access to waste and recycling storage within the office spaces;

- Provide signs and educational messaging to encourage resource recovery and minimise contamination
- Supply bins and signage using Australia Standard colours; and
- Provide information relating to location of waste storage spaces and routes. The location of waste storage is particularly important in office spaces, which can improve waste management behaviour by office staff and cleaners.

ii) Other waste types in office spaces

A range of waste types may be generated (in small quantities) in the office spaces. The proposed development should consider recycling and management of the following material types:

- Food waste (e.g., from communal kitchens or tea rooms);
- Printer / toner cartridges;
- Batteries;
- Mobile phones and computer equipment;
- Furniture; and
- Light bulbs.

Many of these items can be reused or recycled at appropriate locations. This should be considered by the proposed development. Waste avoidance strategies could also be employed, including (but not limited to) digital files rather than hardcopy files, double sided printing, waste reduction education for new staff and hand driers, rather than paper towels.

iii) Waste service monitoring and reporting

Monitoring of the implemented waste management system allows the proposed development to maintain and rectify any issues. This can be simple, and may include details regarding the number and weights of bins collected. Regular waste audits can also assist to establish the typical waste composition of each stream and guide resource recovery and efforts to reduce contamination.

iv) E-waste from data halls

Although the data halls are not expected to generate regular waste, it is important to recognise that this type of development is likely to produce large volumes of e-waste, at certain periods during the life of the development. For example, through broken or upgraded computer hardware, circuits and electrical components (and associated packaging).

E-waste is a significant proportion of waste that is sent to landfill. Some e-waste contains toxic chemicals (e.g., lead, mercury and arsenic) and can also contain precious metals that could be recycled. It is important for the proposed development to also consider options for e-waste, such as:

- Extending the life of the equipment or hardware;
- Re-using hardware;
- Selling hardware; and
- Recycling hardware (e.g., in collaboration with suppliers or recycling businesses).

G. On-street parking

Analysis should be provided with the application in regards to whether any on-street parking will be lost as a result of the development. Council seeks to retain on-street parking where possible and reasonable.

H. Construction Traffic

Having regard to the number of truck movements during the construction phase, it is requested that construction vehicles access the site via Lanceley Place to minimise impacts in Campbell Street.

I. Developer contributions

At present Council is unable to assess whether appropriate developer contributions have been provided to provide for demands on infrastructure.

Given the scale and size of the development, the cost of works need to be appropriately established and made available for consideration to ensure the local infrastructure needs can be appropriately provided funded.

The EIS states that an Estimated Development Cost (EDC) report has been prepared by Linesight, however this is not available on the NSW Planning Portal. The EIS states that EDC report of the proposed development, in accordance with the calculated intangible value (CIV) definition in the *Environmental Planning and Assessment Regulation 2021* (EP and A Regulation), is estimated to be \$845,852,021.24. Council requests that the EDC be peer reviewed to ensure that it is accurate and forms a sound basis for the relevant calculations.

Reference is made in the Environmental Impact Statement to the proposal being subject to the Housing and Productivity Contribution. No detail is provided regarding what this might be.

Council's Section 7.12 (7.11) Development Contributions Plan is the minimum contribution required of development in the Willoughby LGA. A condition would be required similar to the condition required in the SSD – 48478458 Development Consent (included in **Attachment 2**) for the recently approved warehouse and distribution centre on the subject site. This condition reads:

“Under Section 7.12 of the EP&A Act and in accordance with the Willoughby Local Infrastructure Contributions Policy and Plan 2019, the Applicant must pay of a levy of 1% of the proposed cost of carrying out the development to Council.”

Under the landscaping section of this submission, reference is made to the appropriate fee for tree removal, having regard to WDCP Tree Offset Planting Scheme.

Council would also be supportive of a public art contribution consistent with the Willoughby Public Art Policy, and Council would welcome discussion with the proponent in this regard.

As discussed above, any required setback area to facilitate a 3m wide shared path along Campbell Street is requested to be subject to public rights of way. Also in considering

public benefit, it is requested a pedestrian refuge island be provided to improve safety for pedestrians crossing Lanceley Place.

J. Conditions from SSD – 48478458 Development Consent approved 21 December 2023 on the subject site

A number of conditions provided for the recent SSD – 48478458 Development Consent approved 21 December 2023 for a warehouse and distribution centre on the subject site should be provided in any development consent for this SSD. Refer to **Attachment 2**.