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NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Rob Stokes - Minister for Planning and Public Open Spaces

RE: PLANNING SUBMISSION TO DRAFT MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

PROPERTY AT: 707-711, 713-755 & 757-769 MAMRE ROAD, KEMPS CREEK (LOTS X & Y DP 421633 AND LOT 22 DP 258414)

Dear Minister Stokes,

This Planning Submission has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of the Proponent – ARUP, in relation to the Draft Mamre Road Precinct Development Control Plan (referred herein as the Draft DCP). This Submission has focused on the potential impacts of the Draft DCP on the Subject Site which is proposed to contain a data centre as contemplated under **SSD 10101987**. Secretary's Environmental Assessment Requirements (SEARs) were issued in respect of this SSD on 12 November 2020. SSD 9522 seeks to create the proposed allotment and carry out earthworks to provide a benched and serviced area for the future data centre. For context, **Figure 1** overleaf shows the location of the proposed development site, while **Figure 2** indicates the proposed development layout.

The Draft DCP has been prepared pursuant to Section 3.43 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to provide objectives, controls and guidance to Proponents proposing to undertake development within the Mamre Road Precinct, for which the Draft DCP will guide the overall assessment of Development Applications. The Draft DCP should be read in conjunction with *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (SEPP WSEA), for which if there are any inconsistencies between the two (2), the SEPP would prevail.

The Draft DCP seeks to facilitate a controlled urban development outcome as envisaged by the Mamre Road Precinct Structure Plan, as well as ensuring all future Development Applications are in accordance with the water cycle management of the Mamre Road Precinct and accord with the local road network strategy for the wider Precinct, to ensure functional and cohesive Precinct Planning can occur.

Accordingly, all future Development Applications will be required to consider both local and cumulative impacts as a result of any proposal to ensure a coordinated and efficient development outcome can be achieved that is consistent with the relevant planning framework attributed to the Mamre Road Precinct.

The Structure Plan, as captured within both the Finalisation Report (June 2020) for the Mamre Road Precinct and the Draft DCP is illustrated within **Figure 3** on page 3.

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 Draft Mamre Road Precinct Development Control Plan

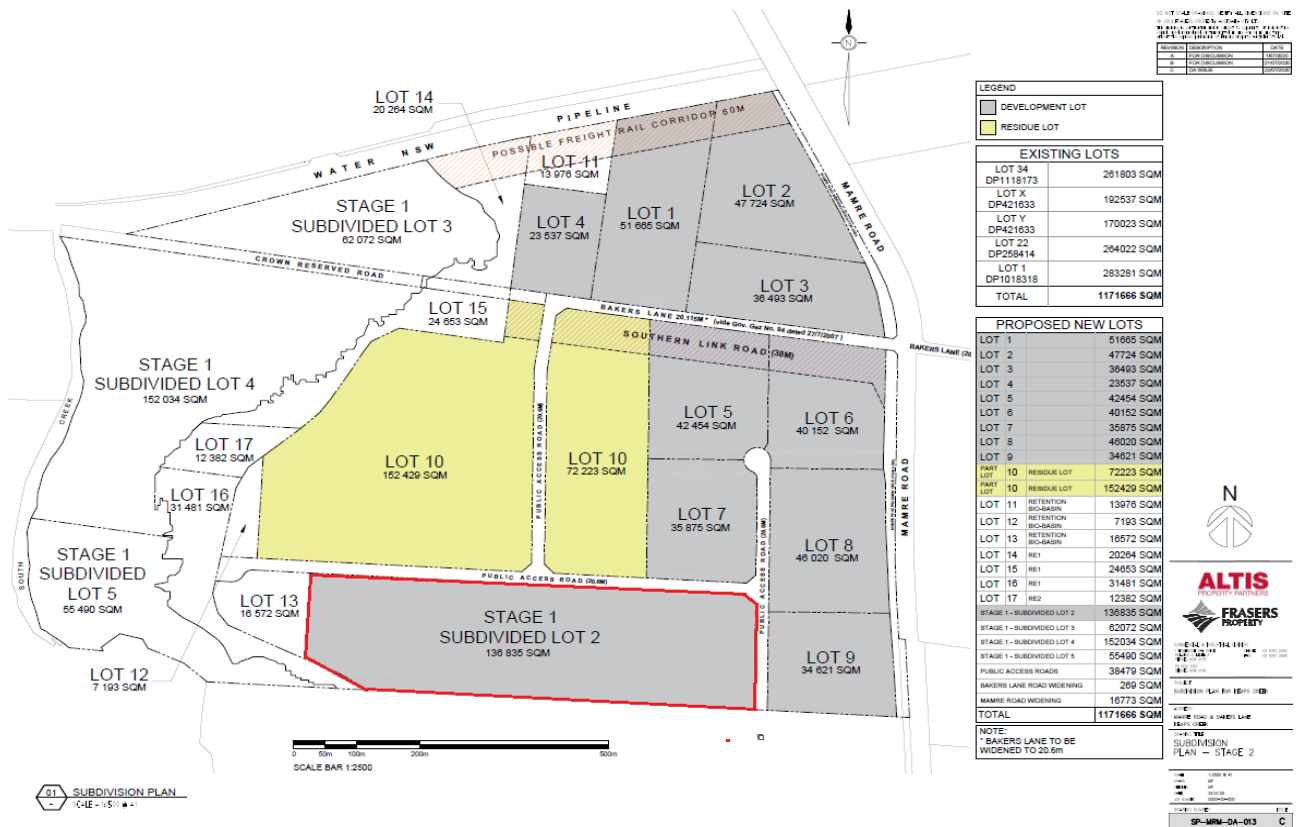


Figure 1: Estate Subdivision Plan - Subject Site outlined in red (Source: Altis/Frasers, 2020)

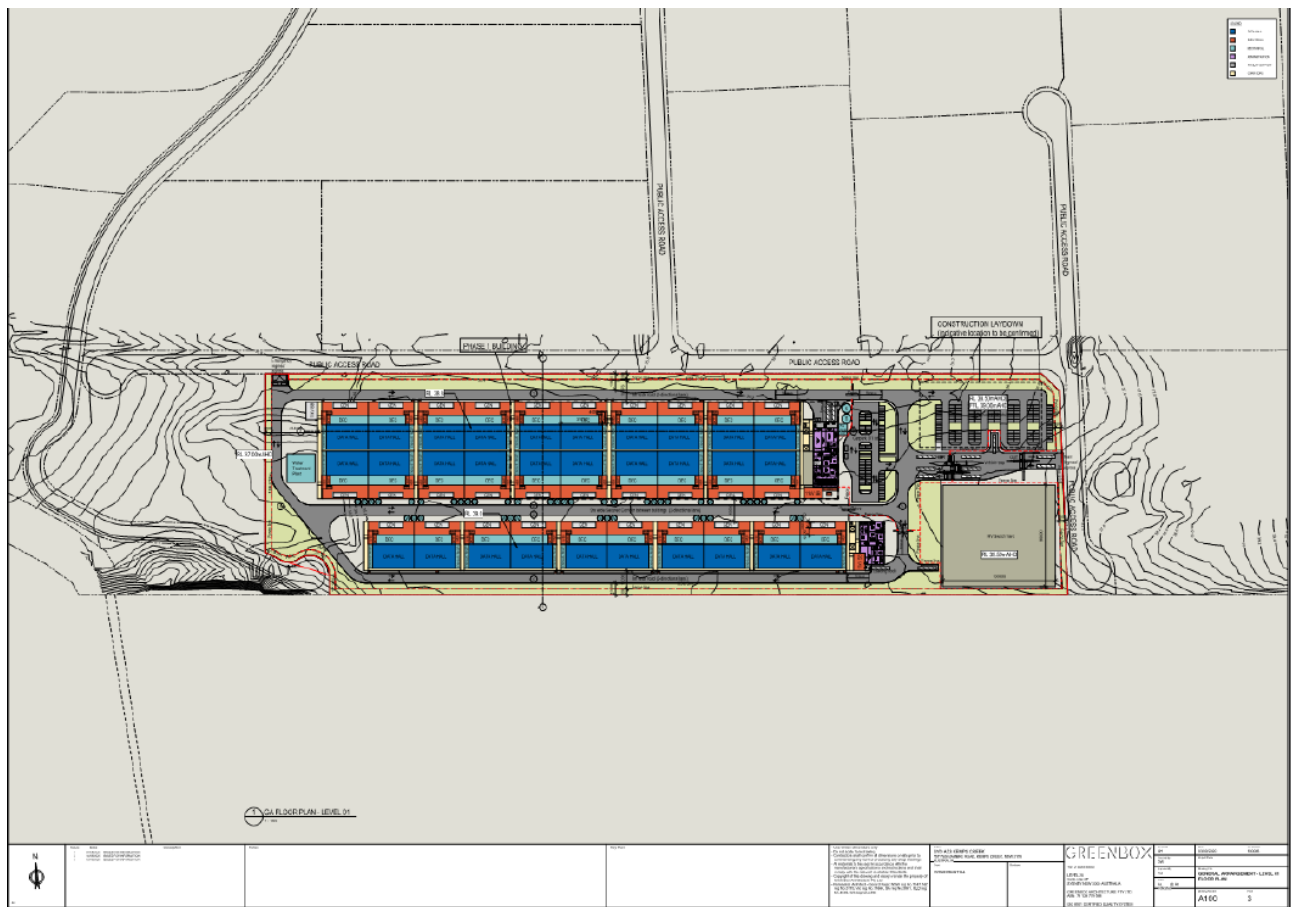


Figure 2: Proposed Site Layout Plan (Source: Greenbox, 2020)

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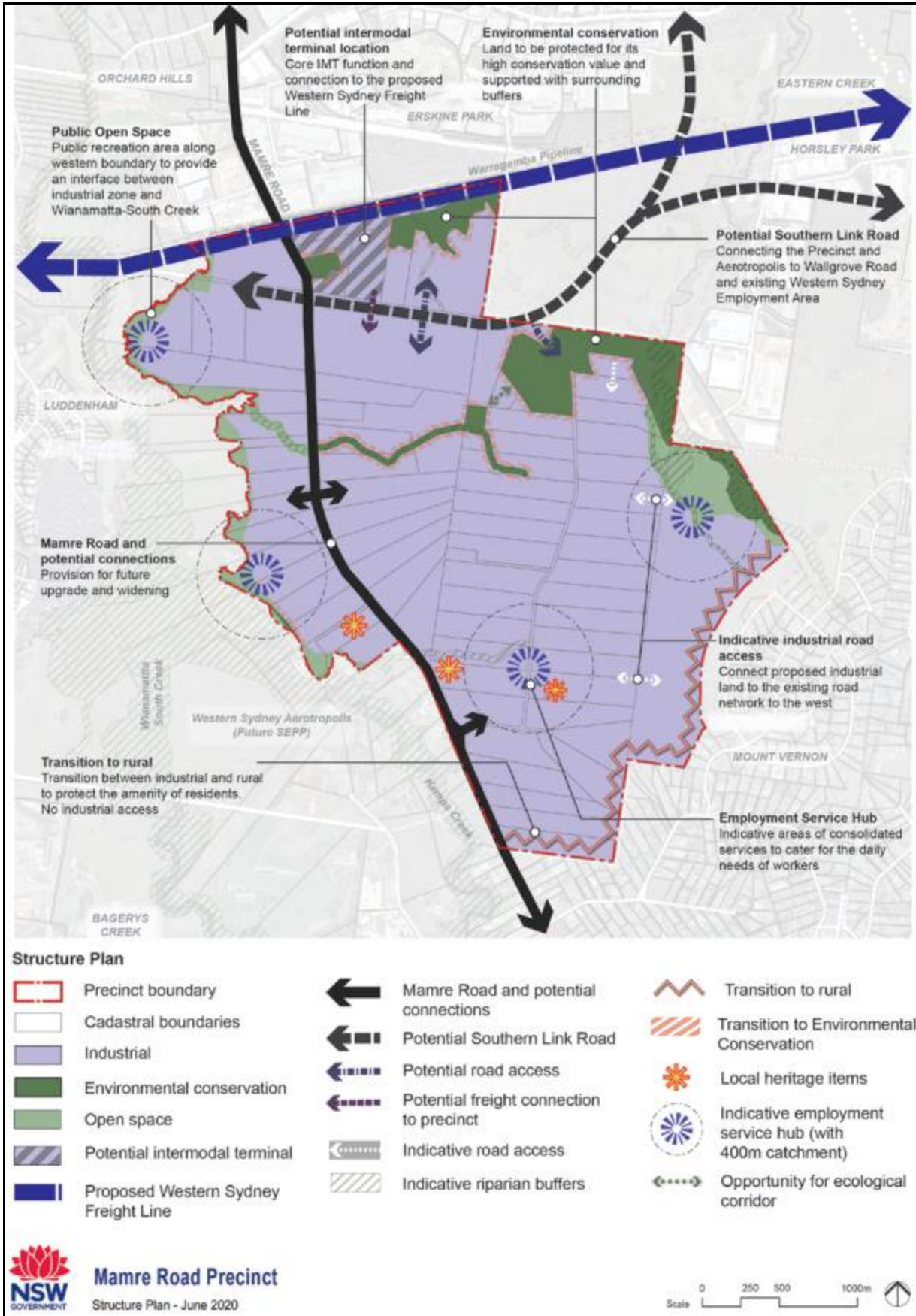


Figure 3: Mamre Road Precinct Structure Plan (Source: NSW DPIE, 2020)

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Under the provisions of SEPP WSEA, the proposed development site is wholly zoned IN1 General Industrial. Development for the purpose of a data centre is permissible on the site under the provisions of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Our client (ARUP) has consulted closely with all stakeholders in relation to future development (**SSD 10101987**) on the Subject Site in order to facilitate an appropriate and satisfactory development outcome that will support the intended operations for the Site. Our client is currently preparing a State Significant Development (SSD) Application pertaining to **SSD 10101987**, which includes provisions that seek Development Consent for the construction and operational use of the Site for the purposes of a data centre.

Accordingly, this Submission focuses on the Draft DCP, including its envisaged development controls and outlines any potential impacts on the Subject Site requiring further consideration by the NSW DPIE prior to finalising the DCP. The key concerns with the Draft DCP are outlined below:

1. With Mamre Road being the primary Arterial Road providing access to the majority of the Mamre Road Precinct, the Draft DCP has developed a network map (refer to **Appendix A**), which contains a hierarchical road network structure to assist in facilitating a fluid and transitional access route to respective sites throughout the wider Precinct, which will continue to support anticipated traffic volumes upon the Precinct being completely developed in the future.

Our client (ARUP) is generally supportive of the 'High Order Road' location; however, they are not in agreement with the 'High Order Road' to become a distributor road, as this would prohibit direct vehicular access in the location as shown on the proposed site plan. This control is requested to be removed as this would be fatal to the proposed layout and result in an inefficient design.

Given the use of the Site will be for the purpose of a data centre, it will inherently generate low traffic volumes given the proposed level of occupancy and nature of the use. Due consideration should be given to this when finalising the DCP to not unduly impact on less intensive land uses like data centres.

2. Section 2.6 of the Draft DCP outlines the envisaged stormwater management strategy for the wider Precinct, including stormwater quality and quantity controls to be implemented as part of any future development undertaken within the Precinct. Particular consideration is given towards the following parameters and how they apply to **SSD 10101987**:

Waterway Health and Water Sensitive Urban Design

Specifically, Page 27 of the Draft DCP states the following with respect to Water Sensitive Urban Design (WSUD):

- *Industrial developments must supply at least 80% of their non-potable demand using non-potable sources including rainwater and recycled water.*

Comment: This will be very difficult for the Proponent (ARUP) to achieve as part of their SSD Application for the purposes of a data centre given the typical design and characteristics of the use. The DCP should provide some latitude in respect of such controls for a data centre use.

- *Applicants should target 35% pervious surfaces within lots and streets to ensure adequate management of stormwater runoff and contribute to mean annual runoff volume and water quality targets. Perviousness is to be calculated in accordance with the following index:*
 - *Deep soil (one metre or more in depth, connected subsoil) – 100%*
 - *Shallow soil (less than one metre in depth, not connected to subsoil) – 75%*
 - *Permeable pavement – 50%*
 - *Hardstand – 0%*

Comment: The data centre proposed under **SSD 10101987** will likely have <35% pervious surfaces. It is noted, that the proposal has approximately 31,406 m² (23%) of landscaping. Operational requirements and the size of the data halls take up a significant part of the Site and it is anticipated the Proponent won't be able to achieve this. It is considered that a site coverage requirement of 10-15% would be more reasonable given the operational requirements for a data centre on the Site.

In particular, reference is drawn to existing controls that are contained within existing DCPs, for newly developed precincts, namely First Estate which is subject to the Mamre West DCP and Eastern Creek, with the precinct plans under SEPP 59.

Stormwater Quality

It is noted that the pollutant load reduction targets outlined within the Draft DCP are much more onerous than outlined within the *Penrith Development Control Plan 2014* (PDCP2014). Given the proposed Data Centre is reliant on the estate-wide system for treatment it is considered that the Proponent should align with the Estate-wide criteria proposed under SSD 9522.

3. To facilitate ongoing development within the Precinct, it will be necessary to provide appropriate servicing. In accordance with (**Appendix A**), the Subject Site is in close proximity to future infrastructure services upgrades, including an identified interim wastewater pressure main (mapped on the southern boundary), a water main (mapped on the eastern boundary), and a wastewater pump station mapped to the south of the Site.

Whilst the requirements for future servicing to facilitate appropriate development outcomes are not disputed, our client wishes to understand the implications of the servicing strategy on the Subject Site, as well as on the wider Precinct, including indicative timeframes for the upgrades to be completed, as well as any potential impacts to the Subject Site.

4. With respect to Section 4.2.1, the Draft DCP requires a Visual Impact Assessment to be prepared where built form exceeds more than 20 m. For consistency and completeness, **SSD 10101987** will include a comprehensive qualitative and quantitative Landscape and Visual Impact Assessment prepared to accompany the SSD Application.
5. With respect to Section 4.2.2, the Draft DCP proposes setbacks, for which the Subject Site is generally compliant with. The landscape buffers on the side setbacks are approximately 5 m, whereby they form part of the building setback for the Site. This is typical in industrially zoned land throughout the Sydney Metropolitan Region.
6. In accordance with the minimum landscaping requirements identified within Section 4.2.3 of the Draft DCP, the Subject Site can generally comply with the indicative minimum requirements. In relation to the requirement under Control 3 that 40% canopy cover is to be provided, we consider that this is a broader target for the Aerotropolis and should not be site specific. In terms of Control 4 relating to the 15% pervious surface, this should be considered with respect to broader operational requirements and the need for hardstand and truck turning requirements.
7. Clause 4.2.9 stipulates:

4) No fencing other than a low ornamental type may be erected at the front or secondary street site boundary. Should the applicant elect to use high security fencing, such fencing must be located either behind the landscape setback or alternatively within the landscaped area midway between the site front or secondary boundary and the building line

It is considered that this control is inappropriate for a data centre given the need to ensure a high level of security at all times. As such, any fencing must be located on the boundary and not setback. The DCP should be amended to recognise this requirement for uses that require a high level of security. Similarly, any planting on the boundary contravenes security requirements as it

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provides opportunity to climb the fence which poses a risk to the data centre operation. Therefore the DCP should recognise that a degree of merit can be exercised in special circumstances.

8. Our client is not amenable to Controls 6 and 7 of Section 4.4.1 of the Draft DCP pertaining to retaining walls, due to the heights and setbacks of retaining walls not being able to be met. From an engineering design perspective, the control is considered to be relatively vague and requires further clarity to be provided, particularly on the distance setback from the road reserve. Accordingly, to optimize earthworks and ensure consistent floor levels can be achieved across the Site for the future data halls, the Finished Floor Levels (FFLs) of the Data Centre (some 20-25 m from the Estate Road) will be approximately 2-3 m above the Estate Road levels.
9. In accordance with Section 4.7 of the Draft DCP, the car parking and access controls have not given consideration towards a data centre in general. It is recommended, that due to the low-capacity operational requirements of required staff, that the controls be relaxed to allow more flexible car parking solutions for the data centre on this Site and within the Precinct generally.
10. Section 2.2 of the Draft DCP includes consideration with respect to biodiversity throughout the Precinct, including methodology pertaining to biodiversity conservation; certification; and ongoing management of 'areas of high value biodiversity', including rehabilitation and management of recognised riparian corridors.

The broader estate includes an area mapped under the Draft Mamre Road Precinct DCP as containing an area of high value biodiversity to the west of the Site, which corresponds with the RE1 Public Recreation zoned portion of the Subject Site (refer to **Appendix A**). This area of mapped biodiversity is not considered to impact upon the future planning outcomes of the Site as there is no built form located within this portion of the Site, as well as all potential impacts pertaining to biodiversity having been previously considered under SSD 9522.

11. Section 2.4 of the Draft DCP outlines items of Aboriginal Cultural Heritage throughout the Precinct, which requires due consideration with respect to any Development Applications being prepared and works being undertaken within the Precinct. The Subject Site (along the southern and southwestern boundaries) has been mapped as containing 'sites of known Aboriginal Heritage and areas of high and moderate-high Aboriginal potential' (refer to **Appendix A**).

It is noted that under SSD 9522 an Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared for the Subject Site and wider area, which includes planned management and mitigations measures for the Site to preserve and protect the integrity of the Site, as well as implement protocols should any items of Aboriginal Cultural Heritage be identified during works undertaken on the Site. There should be no requirement for further investigation in this respect under the data centre proposal (**SSD 10101987**).

We consider the abovementioned items to be critical matters which the NSW DPIE must give due consideration before finalising the DCP.

Should you wish to discuss the matter further, please do not hesitate to contact the undersigned.

Yours Faithfully,

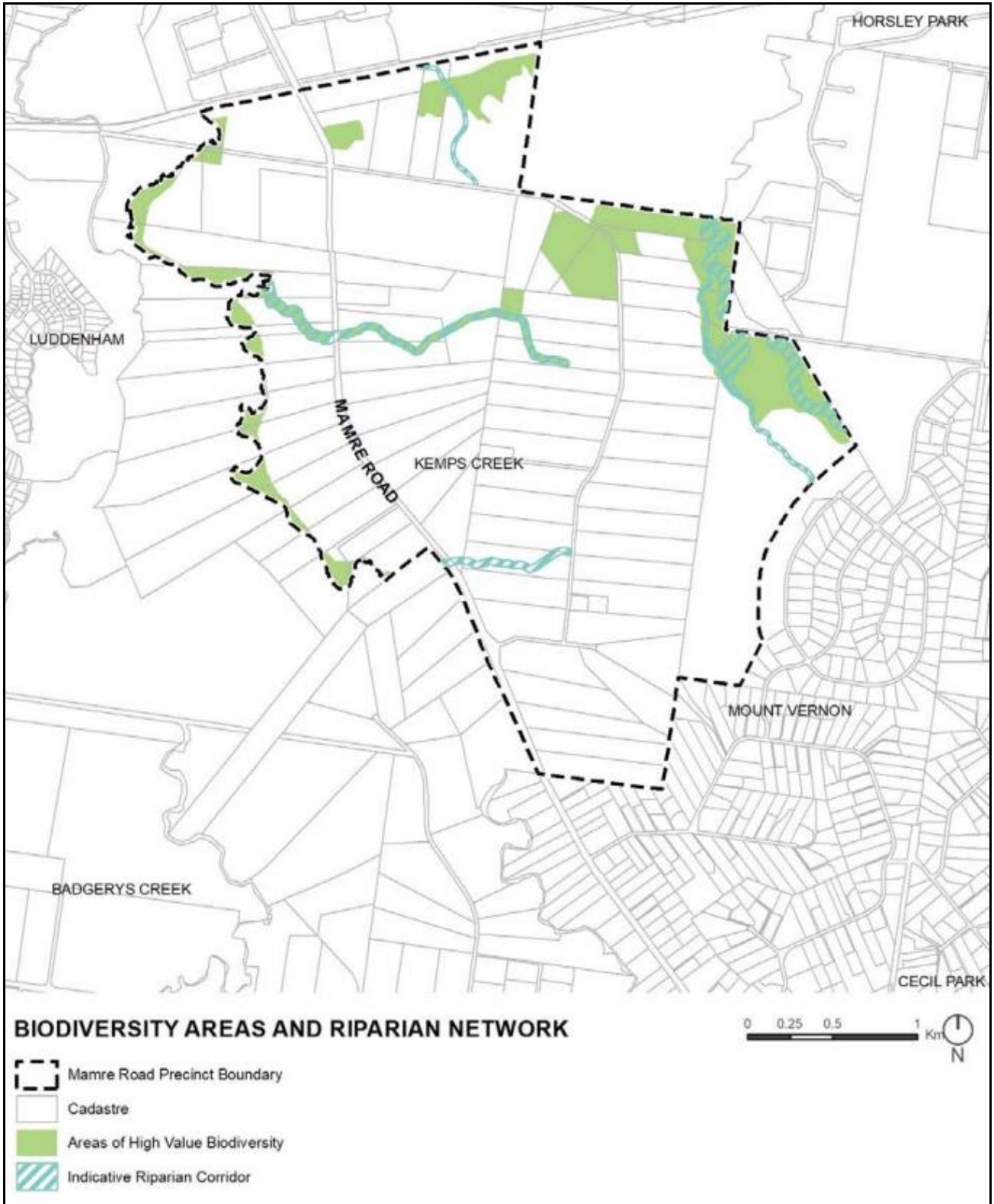


Andrew Cowan
Director
Willowtree Planning Pty Ltd
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ANNEXURE OF FIGURES

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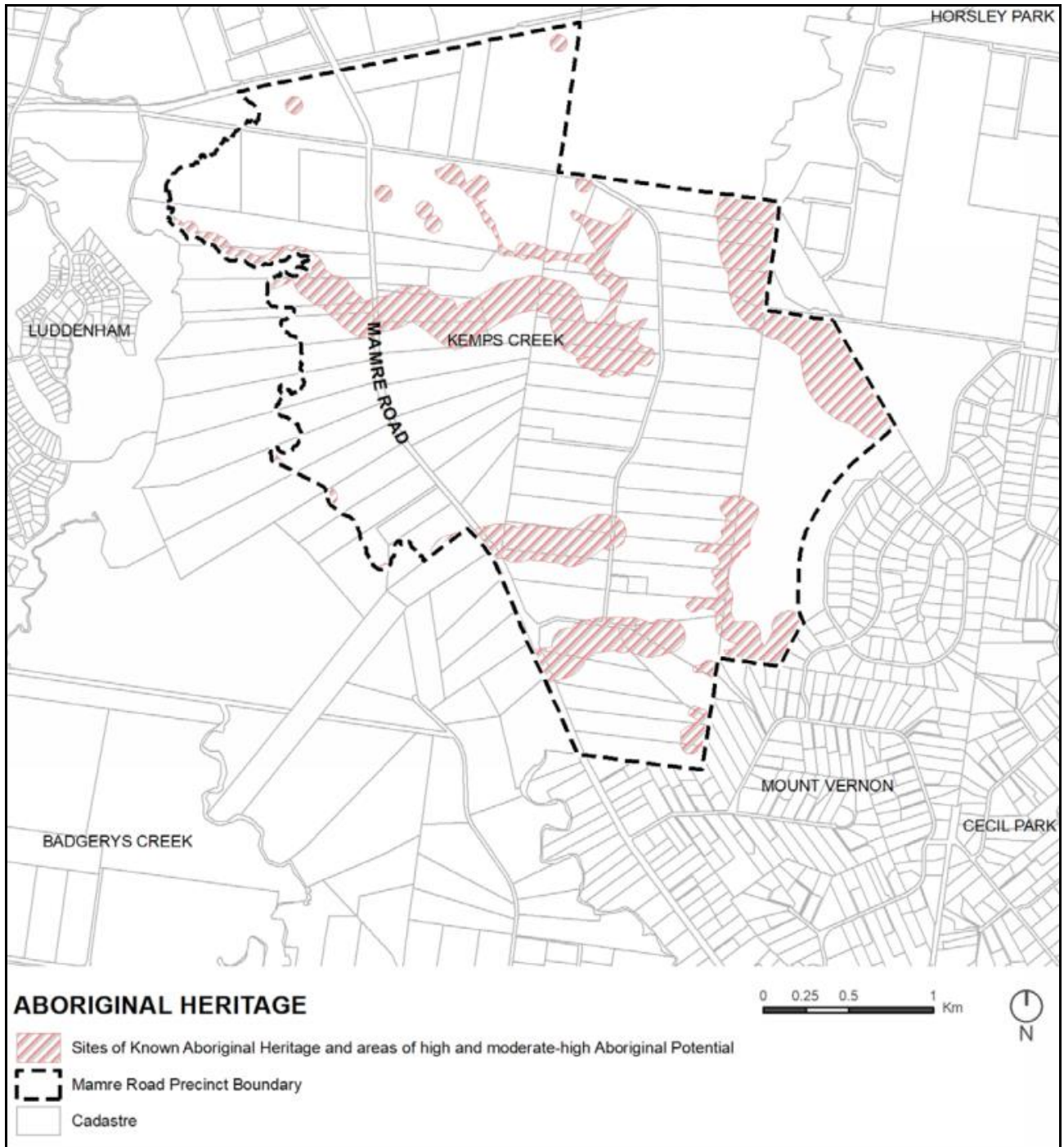
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Biodiversity Areas and Riparian Network (Source: NSW DPIE, 2020)

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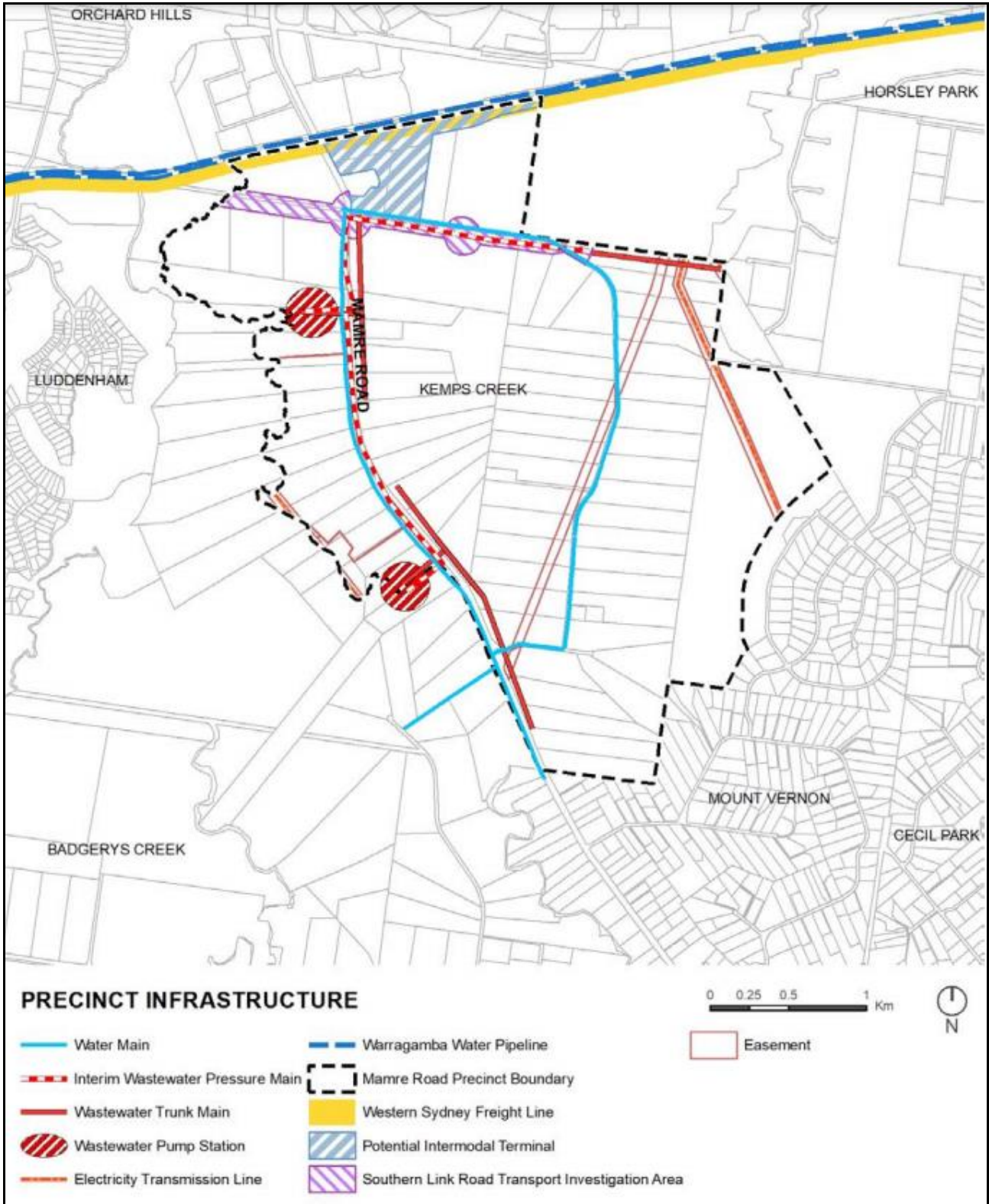
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Aboriginal Heritage Items (Source: NSW DPIE, 2020)

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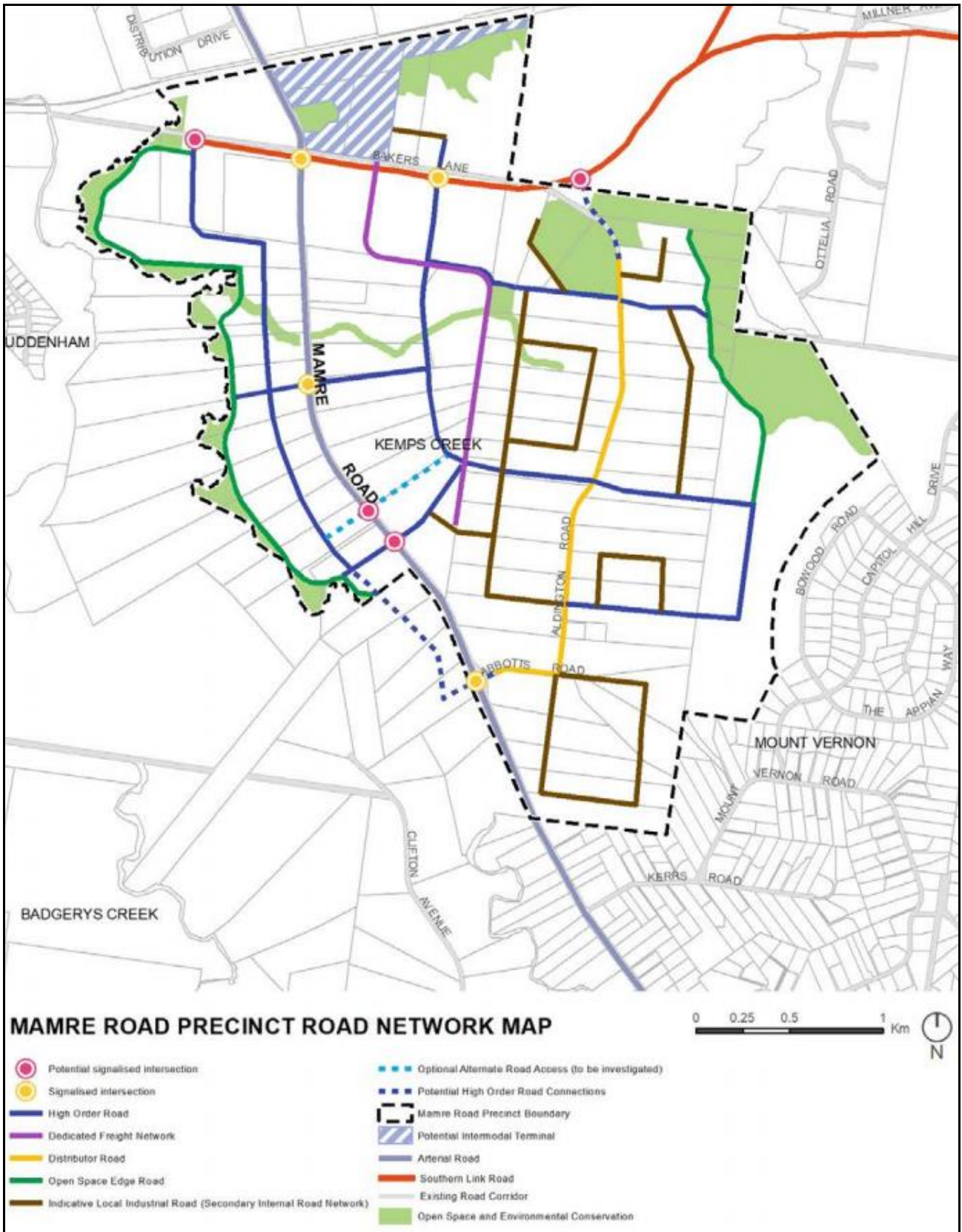
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Proposed Precinct Infrastructure (Source: NSW DPIE, 2020)

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Precinct Road Network and Hierarchy (Source: NSW DPIE, 2020)