

Department of Planning and Environment

Our ref: DOC22/911729
Your Ref: SSD 10101987

Shaun Williams
Planning Group
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

24 October 2022

Subject: Response to Submissions - Kemps Creek Data Centre (SSD-10101987)

Dear Mr Williams

Thank you for your email received 11 October 2022 requesting comments from the Environment and Heritage Group (EHG) on the Response to Submissions (RtS) Report for the Kemps Creek Data Centre (SSD-10101987), 707-769 Mamre Road, Kemps Creek.

Waterway Health

EHG's submission on the EIS (dated 21 November 2021) noted that the site is located within the Mamre Road Precinct, and it forms part of the broader industrial estate that was approved under SSD 9522 in December 2020, as modified in September 2021. EHG's submission further advised that:

'The development consent for SSD 9522 includes Advisory note AN2:

AN2: Future development applications will be subject to the Mamre Road Precinct Development Control Plan or its equivalent.

EES notes that the EIS does not meet the Mamre Road Precinct Development Control Plan waterway health controls and the MUSIC Modelling toolkit.'

In response to the above, the RtS Report provides the following commentary:

'The design assessed the project against the formal provisions in place at the time set by the Council. The Estate Design (SSD 9522) was also prepared and approved under these conditions. This is consistent with Clause 5 of the Mamre Road DCP 2021.

Water health controls are further implemented by providing silt traps to reduce sediment loads, rainwater harvesting and MUSIC modelling. These three (3) methods when implemented demonstrate a sediment load reduction that would exceed Penrith City Council's requirements'.

Regarding the applicant's above RtS response, EHG is unclear about the reference to Clause 5 of the Mamre Road DCP 2021 and recommends that this reference be clarified.

However, given the response in the RtS Report, and that the proposed development (including the submitted Mamre Road Precinct DCP Assessment Table) does not demonstrate compliance with

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Section 2.4 of the Mamre Road Precinct DCP, the DPE Planning Group will need to determine whether the proposal should meet the controls in the Mamre Road Precinct DCP.

Flood Risk Management

Reference is made to Table 1 in the RtS Report. It is noted that this Table does not refer to EHG's most recent advice pertaining to Flood Risk Management (dated 28 January 2022). EHG therefore recommends that this Table is updated to reflect its most recent flooding advice.

Biodiversity

No further comment is provided.

EHG requests that it not be given a consultation role in the conditions of consent unless EHG has agreed to the role and the content of the condition.

If you have any queries please contact Angela Taylor, Senior Conservation Planning Officer via angela.taylor@environment.nsw.gov.au or 02 9585 6146.

Yours sincerely

A handwritten signature in black ink that reads "S. Harrison".

Susan Harrison

Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation