



Our reference: P-385328-F2H3 – Revision 2
Contact: Kathryn Saunders, Principal Planner
Telephone: (02) 4732 8567

2 November 2022

Department of Planning and Environment
Attn: Shaun Williams

Email: shaun.williams@planning.nsw.gov.au

Dear Shaun Williams,

SSD-10101987 – Response to Submissions for Kemps Creek Data Centre

Thank you for providing Penrith City Council with the opportunity to comment on the Response to Submissions (**RtS**) documentation attached to the abovementioned State Significant Development (**SSD**) application. Please see council's advice regard the RtS documentation below:

1. Planning Considerations
(a) Design, Materials and Finishes

Council has previously raised concerns in relation to the design of the facades and it is reiterated; that the proposal to include such a high number of small panels of varying repeated colours, is unlikely to reduce the apparent bulk of the building, or the scale and extent of the facades.

The colour pattern is considered to be overly repetitive owing to the length of the facades, and bulk is exacerbated.

It appears that selected Blue and Yellow do not sufficiently align in tone, to the palette detailed within the Connecting to Country Report. The selected blue appears too close in tone to a primary colour and thus contrasts strongly with the yellow.

Council is concerned that the building will be highly visible in the context of the nearby creek, the planned open space edge road, and RE1 zoned land and may be garish owing to bright colours applied over such an expanse of façade. Council recommends that recessive colours are utilised from the agreed palette provided in the Connecting with Country report.

DPE is to ensure that the colours are appropriate in the site's context and having regard to the high visibility of the structure, and its scale.

It is recommended that the office/admin design be elevated in quality and be treated differently than the warehouse component, with complementary cladding, glazing and articulating design elements so as to separate this use visually. Design elements are to reflect the

pedestrian/human scale of the office/admin environment. The admin building design is to be amended and improved.

(b) Design matters – Government Architect NSW

The RtS is not considered to directly address the matters raised by GA NSW listed within the RtS table. Specifically, it is noted that GA NSW recommends that the *façade treatments need to acknowledge the enormous scale of the structure* and should employ a *super graphic*.

This recommendation is not addressed.

Although it may have been agreed in consultation with Aboriginal stakeholders that graphics representing connection to country may be more suited to smaller scaled elements, this agreement does not address the impact of the scale of facades – and the architect needs to revisit the GA NSW recommendations.

No regard appears to have been had of the suggestion to review the Goodman ‘Barcode’ building as an example of how to address bulk and scale, and vast expanses of warehouse wall.

Issues raised by Council and GA NSW in relation to the bulk and scale of the development remain unresolved and are to be addressed through re-design.

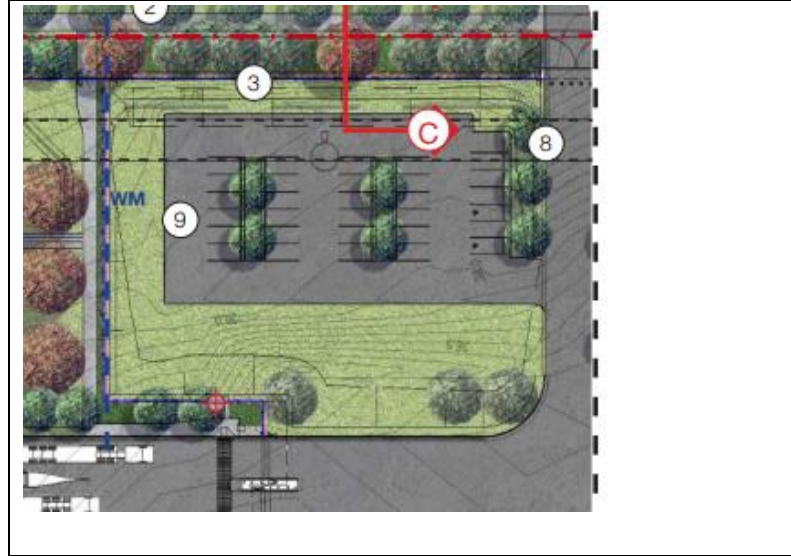
(c) Mamre Road Precinct DCP (MRP DCP)

Owing to the height and scale of the building, and noting the extent of visible plant machinery, setbacks should be increased beyond the minimums nominated within the MRP DCP or supplemented sufficiently with layered landscaping elsewhere.

Further, the RtS does not address the visual impacts resulting from future elevated platforms within the substation.

A minimum of 10% of the site is to be provided with canopy cover. The canopy target plan is to be examined to ensure that trees are not located in unsustainable areas of the site, to ensure tree canopy is not impacted by site operations such as truck movements, and to ensure the locations of trees are not impacted by poor soil volumes and quality or utilities and services.

Opportunities exist for greater canopy tree planting within the western end of the site and in the area indicated below.



It is recommended that a larger number of taller 'canopy' tree species be provided along the southern elevation of the site.

Landscape amendments are not clouded or specifically listed to assist in a review of the RtS plans.

(d) Proposed landscaping within the road verge (node) fronting the Data Centre

It is raised for the Department's resolution that the design of landscaping and installation works in the northern road reserve and intersection 'node' conflicts with the landscaping plans submitted to Council for endorsement by Altis/Frasers (the current landowner) in satisfaction of conditions of consent under SSD 9522.

The proponent is to amend their landscape design to remove cultural heritage interpretation works from the road reserves and driveways.

(e) Connecting to Country

Architectural plans are to indicate where the art or other features will be installed.

It is not clear whether targeted engagement has occurred with relevant Aboriginal stakeholders on the proposed design of the building and landscaping interpretation currently under assessment.

Further advice is required in this respect as it is noted that the use of the materials and their general layout has not been significantly altered (with the exception of selected colours) between the preparation of the Architectural Design Report dated 19 March 2021, and the Connecting to Country Report dated 25 July 2022.



The Connecting to Country report does not list the plans viewed by stakeholders and the Report does not connect the advice and comments provided from stakeholders – with a particular design or set of plans. A list of attendees at the engagement session is not included.

DPE is to ensure that adequate consultation and engagement has occurred in relation to the current design of the buildings and landscape and, that the Connecting to Country Report be clear as what level of engagement has occurred on the proposed design (current revision).

DPE is to ensure adequate conditions of consent require the commitments to be installed/undertaken prior to the issue of the Occupation Certificate.

In relation to façade and landscape artworks, features and installations, consent conditions should be included that require these to be shown on the relevant architectural plans, prior to the issue of a Construction Certificate.

Chapter 5 of the Report tables 'Next steps' although no timeline is provided. No details of the responsibility of delivering the activities or commitments are identified.

In this respect, it is recommended that DPE ensure commitments are installed and undertaken as detailed within the Report via conditions of consent (should consent be granted).

(f) Proposed off site location of Connecting with Country elements

Council's landscape architect has raised additional matters below regarding the landscape design, however in relation to the 'Songlines' design on Habit8 plan L16 and L18 revision I, the following is also raised:

- It is unclear if the landscape design has been reviewed by those feeding into the Connecting to Country report. Council raises that it may not be culturally respectful to 'drive over' Country interpretation and the songlines design of the driveway surface is to be discussed with and presented to the relevant stakeholders.

It is raised that the interpretation on roadway surfaces will quickly be marked from tyres resulting in damage and reduced visual ability to interpret the gesture. It is noted that heavy vehicles traverse this area. Materials or construction technique of this element is not detailed further. Council will not maintain driveway art or painting.

- Although the consultation included within the Connecting to Country report outlines commitments from the applicant, a significant portion of the commitments are proposed to be constructed on land to be dedicated to Council as road (verge landscaping elements and driveway art) and on land not in the ownership of the applicant.

The commitments by the developer in relation to Connecting to Country should be on the proponent's Lot, not on land to be dedicated to and maintained by others.

The installations and embellishments are to be located on private land to ensure that they will be maintained in good condition for the life of the development, by the proponent.

Alternatively, (and having regard to comments at (d) above) a deed may be entered into with Council (should Council agree to such a deed) which sets out and details public safety and insurance matters, maintenance, replacement, decommissioning details, stakeholder and artist contacts and other obligations. The deed will need to be entered into, prior to consent being granted to ensure the location of the proposed interpretive elements is feasible such that this element will be realised.

It is to be clarified with Council's City Planning team that the works within the roadway do not impact any related Voluntary Planning Agreement(s).

- The verge area identified as a 'pocket park' will likely be low in amenity (in terms of being a quiet contemplative space) as it is located at an intersection and within an industrial estate where the road will be traversed by numerous heavy vehicles (also refer to overarching SSDA consent Traffic Assessment and numbers of truck movements).

To encourage visitation and use of the area – it would be more appropriate to co-locate such an area with the staff recreation/lunch areas of the development, or other public recreation area.

(g) Ecologically sustainable development

DPE is to ensure that the application has addressed section 2.19 of the SEPP (I&E) and that the development contains measures designed to minimise the consumption of potable water, and greenhouse gas emissions.

(h) Open space edge road

The RtS does not adequately respond to the matters Council has raised in relation to the Open Space Edge Road. Plans do not detail interface relationships including dimensions and levels and the edge road.

DPE is to ensure that the development does not impact the ability to deliver the open space edge road as a continuous road, designed to Council's civil standards and in accordance with the specifications for local roads within the MRP DCP.

(i) Setbacks and fencing

Endeavour Energy control building

The location of the control room and parking along the center of the western frontage will result in high visibility of the substation from the roadway as the landscaping is interrupted. DPE is to ensure that the control building is recessive in colour (no blue or yellow) and is landscaped. A high-quality face brick is recommended.

The location of gates within the site shall allow the longest vehicle requiring access to the site to pull completely off the roadway before having to stop. Gates are to be inset to allow this to occur.

2. Waterways Considerations

The proposed development does not meet the MRP DCP waterways health controls, however the proposal does include commitments to comply with the approved stormwater management systems approved as part of SSD 9522.

Rainwater is proposed to be collected from the roof in 340kL rainwater harvesting tanks and reused for the evaporative cooling process. The proposed approach to stormwater management is consistent with the approved stormwater strategy previously approved as part of SSD 9522.

It is recommended that DPE clarify if the development proposal is required to comply with the water quality and flow management controls in the Section 2.4 of the MRP DCP. In this respect, it is noted that the development consent for SSD 9522 includes an Advisory Note AN2: *Future development applications will be subject to the Mamre Road Precinct Development Control Plan or its equivalent.*

3. Landscape Considerations

(a) Canopy and species

- There is a need and opportunity for more canopy across the site, and potentially for clusters of trees rather than single trees in some areas of the site. There could be greater clarity in the landscape design documentation that explains how the design responds to the bushfire and landscaping requirements.
- The subdivision streetscape is shown on the Data Centre plans as a continuous canopy. This may be an issue in terms of bushfire and may therefore result in a more compromised landscape design on private land. It is recommended this be addressed. The understorey planting is also shown in the verge and is not accepted by Council.
- Most of the shrub planting is specifically proposed to be less than 1m in height. It is not clear why this is so, and in general it is not supported. Security may be a reason, but it is unlikely to apply across the entire site. Taller shrubs are needed for many reasons including screening of walls and fences and to support biodiversity. Using tall shrubs to assist the scaling of fences and walls is not an acceptable excuse for the lack of tall shrubs in this landscape.
- At section DD near the substation yard, is there an operational / safety requirement that limits the proximity of canopy trees in the turf setback?

Carparks:

- The 'future carpark expansion' area is shown located in a large expanse of turf. The area lacks canopy and shade. There is a risk that turf areas are used for parking, compromising the rootzones and subsequent health of any trees planted in that area.
- The main carpark also lacks canopy shade and cooling. The metrics of trees per carparking spaces may be met, but the design and species are ineffective in achieving typical objectives of shade, cooling and amenity. As a minimum, continuous tree planting should occur around the perimeter of the carpark pavement.
- Because planting is low in height, there is insufficient screening of carparking and other infrastructure from the public domain (See sections CC and DD). Mounding can also be considered to reduce visual impact.

Turf areas:

- Sections AA and BB and CC show minimal effective landscaped buffer treatments, with a dominance of turf (at services areas) and low grasses.
- Landscape setbacks should be fully landscaped - Services and Infrastructure Zones (refer engineering plans) should be located under hardstand areas, at least in part) rather than soft areas that are opportunity areas for planting (trees and shrubs). There is a risk once operational, that these turf areas become storage or parking areas.

Fencing details are not provided but may be part of another set of documents. Fencing should be screened, particularly from the public domain and surrounding open space areas.

4. Environment Considerations

- (a) Willowtree Planning have explained the heat rejection method for cooling, however, the noise associated with the evaporative cooling system has not been addressed.
- (b) Willowtree Planning maintain that that the EIS was prepared in accordance with the issued SEARs that did not include the need to prepare an electromagnetic energy (EME) report. Whilst this may be the case, Council has requested EME report for the installation of substations throughout the LGA and maintain that this should be included as part of this application process or to be provided prior to Construction Certificate stage.
- (c) An Operational Noise Management Plan and a Spill Management and Pollution Control Plan have been agreed to as conditions of consent. It is recommended that DPE condition accordingly.

Should you require any further information regarding the comments, please contact me on (02) 4732 8567.

Regards,



A handwritten signature in black ink, appearing to be "Kathryn", written over a horizontal line.

Kathryn Saunders
Principal Planner