



14 December 2021

Mr Shaun Williams
Department of Planning, Industry and Environment
4PSQ Level 17, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Shaun,

Kemps Creek Data Centre (SSD-10101987) – 707-769 Mamre Road, Kemps Creek

Western Sydney Airport Co (WSA) is writing in response to the public exhibition of the above State Significant Development Application (DA) at 707-769 Mamre Road, Kemps Creek (the site). We understand that the proposal seeks consent for the construction and operational use of a data centre, which includes the following scope of works:

- construction and operation of a two storey data centre building;
- utility and backup provisions including one electrical substation, provision for 63 diesel fuel storage tanks, 62 emergency backup generators and additional plant / equipment (on roof level);
- ancillary office space;
- ancillary landscaping; and
- car parking / access works.

Our comments and recommendations are detailed below. In summary, WSA requires additional information in relation to the identified vertical emissions, and has forwarded this application to the Civil Aviation Safety Authority (CASA), who may request further assessment be undertaken to demonstrate acceptability. Potential wildlife attraction and waste management are also raised within this submission.

Statutory Context

1. Section 4.2.8 of the EIS identifies that *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)* applies to the proposed development. However, only an objectives assessment appears to have been undertaken. Part 3 of the Aerotropolis SEPP applies to this site, and therefore needs to be considered as part of this assessment.

Additionally, an Explanation of Intended Effects has been exhibited in draft form in relation to the Aerotropolis SEPP. This is a draft Environmental Planning Instrument which may contain relevant further considerations to this assessment.

Recommendation: Further assessment be undertaken in relation to Part 3 of the Aerotropolis SEPP.

Operational Airspace

2. The proposed development includes vertical air emissions which is identified to be in excess of 60 metres / second (at point of emission). WSA notes the applicant has provided a brief assessment which indicates vertical exit velocity at the OLS will be below CASA guidelines,



WSA has forwarded this application to CASA for comment. The Applicant should also complete Form 1247 and make a submission to CASA, copying planning@wsaco.com.au into any such documentation. Form 1247 is available at the following address: <https://www.casa.gov.au/casa-form/form-1247-application-operational-assessment-proposed-plume-rise>

Recommendation: Form 1247 is to be completed in relation to this application, and a submission be made to CASA on the proposed plume rise.

3. Based on the information available, none of the proposed buildings appear to extend into the OLS, however it should be noted that the *Airports Act 1996* covers any intrusions into prescribed airspace, which could include:
 - constructing permanent structures, such as buildings, into the protected airspace;
 - temporary structures such as cranes protruding into the protected airspace; or
 - activities causing non-structural intrusions into the protected airspace such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.

Noting the comment on plume rise above, if it is likely that any of the above components would result in a further impact on protected airspace, then approval will need to be obtained under in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. We would require this as a condition on any future consent in relation to this application.

Recommendation: That development would be conditioned to ensure that any intrusions into prescribed airspace obtain the required approvals under the *Airports (Protection of Airspace) Regulations 1996*.

Wildlife Attraction

4. We note that the proposed land use is not identified as 'relevant development' Aerotropolis SEPP. However, given the location of the proposal within the 3-8km wildlife buffer, the proposal risks attracting wildlife if not appropriately managed. Section 3.2.5 of the submitted EIS identifies up to 24,186sqm of landscaping at the site, however neither the EIS or Aviation Safeguarding Memo provides consideration of the wildlife attraction potential of the proposal.

WSA considers that further review of wildlife attraction and associated management measures is required to ensure wildlife risk is minimised (e.g. through waste management, landscape species assessment). It is noted that Appendix B of the Draft Phase 2 Aerotropolis Development Control Plan provides a landscape species list which should be used to inform this review.

Recommendation: Further assessment of the wildlife attraction from the proposal, and associated management measures is undertaken by the Applicant, to ensure that wildlife risk is appropriately identified and mitigated. The additional wildlife risk assessment is to be provided to WSA for review.



5. The Waste Management Plan identifies key aviation safeguarding measures to ensure that wildlife attraction is appropriately mitigated. Where relevant, these measures would need to be conditioned as part of a future development consent.

Recommendation: That the measures contained within the Waste Management Plan be appropriately conditioned as part of a future development consent.

6. WSA seeks confirmation that any fill imported to the site would be non-putrescible fill.

Recommendation: That any fill received to the site be confirmed as non-putrescible.

Other Issues

7. Comments do not incorporate those from Bankstown or Camden Airports, and comments from these organisations are to be sought separately.

Thank you again for the opportunity to comment. We look forward to the applicant's response to each of the above issues. If you would like to discuss further, please contact tsmith@wsaco.com.au.

Yours Sincerely,

A handwritten signature in blue ink that reads "K. Osborne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirk Osborne

Executive Manager, Land Use Planning and Approvals