

Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-35

Development application

DA number	SPP-19-00009	Date of lodgement	12 September 2019
Applicant	Chris Heffernan - DCI Data Centres		
Owner	Ninezero DC Sub TCI Pty Ltd		
Proposed development	Partial demolition of the existing data centre and construction of an 8 storey extension with associated works.		
Street address	90 Peter Brock Drive, Eastern Creek		
Notification period	7 to 21 October 2019	Number of submissions	3

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million (DA has CIV of \$46,623,786).
Relevant section 4.15(1)(a) matters	- Environmental Planning and Assessment Act 1979 - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy (Western Sydney Employment Area) 2009 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy No. 55 – Remediation of Land - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - Raceway Precinct Employment Lands Precinct Plan - Central City District Plan 2018 - Blacktown Local Strategic Planning Statement 2020
Report prepared by	Bertha Gunawan
Report date	3 November 2020
Recommendation	Approval subject to the deferred commencement conditions listed at attachment 8.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Issues raised by the public
- 8 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive summary of the Assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? No

Conditions

Have draft conditions been provided to the applicant for comment? Yes

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- The proposed development is only for a shell building with future internal fitout and occupation of the data halls to be assessed under separate future application(s).
 - Proposed variation to the standard car parking requirement. It is considered appropriate that this be assessed on a merit basis given the use of the site is as a data centre complex, which usually generates a very low parking demand for delivery and employees only.
 - Removal of 7 trees. Removal is considered acceptable subject to replacement trees being planted in line with the landscape plan, and subject to relocating a young Eucalyptus Punctata tree to a suitable location instead of removal.
 - Our engineers' recommendation for deferred commencement conditions to address unresolved stormwater and drainage matters. The applicant will be given 24 months to resolve these issues. The consent can be activated once these issues are addressed to Council's satisfaction.
 - Our City Architect's request for additional external façade details to ensure acceptable glare and reflection levels to the surrounding properties. This requirement is appropriate to be included in the deferred commencement matters.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore assessed as satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended deferred commencement conditions listed in attachment 8.

2 Location

- 2.1 The site is located on the southern side of Peter Brock Drive in Eastern Creek and is bounded by Raceway Place and Auto Place. The M4 Motorway is approximately 280 m north of the site and Sydney Motorsport Park is approximately 170 m west of the site. The south-eastern boundary of the site adjoins Prospect Nature Reserve.
- 2.2 Surrounding developments are predominantly light industrial, wholesale distributors and importers.
- 2.3 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The site is legally described as Lot 34 DP 1131179, being 90 Peter Brock Drive in Eastern Creek.
- 3.2 Existing on the site is a part 2 and part 3 storey data centre, with vehicular access and 35 car parking spaces located on the eastern side of the property, but currently employing only 17 staff. This data hall was approved on 15 December 2008 by the former Department of Planning under Application No. 08/0108. The approved plans and notice of determination are at attachment 4.
- 3.3 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site is zoned IN1 General Industrial under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). The zoning plan for the site and surrounds is at attachment 3.
- 4.2 An amendment was made on 8 November 2019 to the Infrastructure SEPP 2017 to insert Clause 27 in Division 3 to make electronic data storage facilities permissible with consent in any Business or Industrial zone where 'warehouse or distribution centres' are currently permissible with consent. The subject proposal is therefore permissible under this SEPP amendment.
- 4.3 The WSEA SEPP does not specify any restriction on building height or floor space ratio (FSR) for the site.

5 The proposal

- 5.1 The applicant proposes the partial demolition of the existing office building on the eastern side and the construction of an 8 storey building extension to be used as future data halls. It should be noted that the proposal is only for a shell building, with future internal fitout and occupation of the data halls to be assessed under separate future application(s) for lease by other potential data companies.
- 5.2 As confirmed by the applicant, the existing data centre operating hours will remain as approved in 2008, but this proposal will include an additional 18 employees who will be utilising the ground floor office area of the proposed 8 storey building extension.
- 5.3 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the DA against relevant planning controls is at attachment 6.

7 Key issues

7.1 Proposal is only for a shell building

- 7.1.1 The proposed extension is for a shell building only with separate future fitout application(s) to be lodged with Council accordingly. Further specific infrastructure requirements may also be required for individual future tenants, being data companies.
- 7.1.2 A consent condition will be imposed that requires separate Development Applications for the use of the other remaining 7 floors, noting that only 33 car spaces will be available for these future tenants and their staff/visitors.

7.2 The applicant is seeking to provide car parking on a merit assessment basis

- 7.2.1 The Raceway Precinct Employment Lands Precinct Plan requires car parking for industrial uses to be provided at the rate of 1 space per 100 m² of gross floor area (GFA) up to 7,500 m², then 1 space per 200 m² of GFA only for the area in excess of 7,500 m² and 1 space per 40 m² GFA for the office component.
- 7.2.2 The Precinct Plan does not provide a specific parking rate for the proposed land use, being a 'data centre'. Instead, it includes a control under Section 8.6 (d) that states "Council may consider a variation to the parking rate for developments if the applicant can justify the variation on the basis of type of use, type of employment and number of employees". This approach will be applied in the assessment of the expected parking demand for this proposal.

- 7.2.3 GFA typically excludes 'plant rooms' or 'other areas used exclusively for mechanical services'. The proposed shell building comprises 31,481 m² of storage area and 298 m² of office space. Based on the Precinct Plan's car parking rates, 195 car spaces would be required for the proposed extension. The proposal does not satisfy this requirement as, in addition to the existing car parking provision of 35 spaces, the proposal provides only 45 additional car parking spaces. A total of 80 car parking spaces will therefore be provided on the site.
- 7.2.4 The parking rate for this form of land use (being the operation of a proposed data centre) is considered to significantly differ from the land uses which incur the normal car parking rate. A data centre requires a lot of space to be dedicated for data hard drives, unlike normal warehousing and manufacturing, and it will generate a very low parking demand for truck/delivery vehicles and employees.
- 7.2.5 With this DA, the proposed current 17 employees will increase to 35 (18 additional employees) at any one time. In this case, the assessment of parking demand generated by this proposal has been assessed on a merit basis.
- 7.2.6 It should be noted that the existing data centre at 35 Huntingwood Drive, Huntingwood (located approximately within a 1 km radius to the north of subject site) comprises 23,080 m² of data storage and ancillary space and 5,450 m² of office space. Approval was given for that data facility on the basis of the provision of 50 car parking spaces on the site (JRPP-16-03318).
- 7.2.7 A recent approval for a data centre under SPP-19-00014 at 24 Healey Circuit, Huntingwood provided 28 car parking spaces for 18,640 m² of data storage area and 631 m² of office space.
- 7.2.8 Our Traffic Management section has reviewed the proposal and recommends a condition of consent requiring sufficient area within the site to be identified for potential future return to the higher car parking provision to satisfy the Precinct Plan's car parking requirements in the event of any future change of use.

The applicant for the current DA was requested to provide justification for the variation by providing a plan that identified where future car parking could be provided on the site in lieu of the significant plant and equipment areas that support the data centre, in the event that the site is retrofitted in the future to a conventional industrial use. The 'Feasibility Plan' at attachment 5 indicates the potential additional provision of 84 car parking spaces along the western, southern and eastern sides of the building, in lieu of the proposed ground plant and equipment areas and existing Buildings C and D, if necessary in the future. This would bring the potential total parking provision to 164 spaces if there was a future change of use.

- 7.2.9 The provision of 80 car parking spaces has been assessed on its merits and is considered acceptable in meeting the immediate parking demand for the proposed total of 35 employees and visitors for the existing data centre operation while still providing 45 car spaces for the remaining data centre as part of the future fitouts/leases.

7.3 The proposal will require the removal of some trees

- 7.3.1 According to the existing demolition plan, 7 trees are proposed to be removed, 6 of which are located along the proposed main building entry on the northern boundary adjoining Peter Brock Drive, and 1 of which is located on the southern side of the boundary in the existing buffer zone.
- 7.3.2 The 6 trees within the proposed main building entry will be replaced by new trees as detailed in the landscape plan, whilst the 1 tree in the buffer zone is a young

Eucalyptus Punctata at 9 m high that is proposed to be removed as it is within the proposed car parking area's footprint.

- 7.3.3 According to the Arborist report prepared by Sturt Noble Arboriculture on 29 August 2018, the Eucalyptus Punctata tree is without any disease or structural problems. As such, it is recommended that, instead of the tree's removal, this tree be relocated elsewhere within the subject site. The proposed suitable location for this particular tree should be detailed in the plans to be submitted prior to a Construction Certificate. This requirement is included in the consent conditions.

7.4 Deferred commencement matters

- 7.4.1 Our stormwater and drainage engineers recommend deferred commencement conditions to ensure that the applicant provides sufficient details on the proposed stormwater system in compliance with Part J of Blacktown City Council Development Control Plan 2015 – Water Sensitive Urban Design and Integrated Water Cycle Management. A drainage model is also required to be submitted. The applicant will be given 24 months to satisfy all drainage issues.
- 7.4.2 Our City Architect requires the applicant to provide further detailed information about the building façade material, to ensure glare and reflection will not detrimentally impact neighbouring areas. This requirement is recommended to form part of the deferred commencement conditions to be imposed to enable the City Architect to sign off on the final finishes.

8 Issues raised by the public

- 8.1 The DA was notified to property owners and occupiers in the locality between 7 and 21 October 2019.
- 8.2 We received 3 submissions. The issues raised in the submissions are detailed in attachment 7 with our responses.
- 8.3 The issues raised in the submissions are not considered sufficient to warrant refusal of the application.

9 External referrals

- 9.1 The DA was referred to the following external authorities for comment:

Authority	Comments
NSW National Parks and Wildlife Service (Referred to NPWS as the site adjoins the Prospect Nature Reserve and Reservoir)	The subject land is situated adjacent to the Prospect Nature Reserve and Reservoir. NPWS has no objection subject to restricting night-time construction, which will be reiterated in the consent conditions. The application does not seek to remove any remnant vegetation (planted vegetation only) and any indirect impacts such as overshadowing and any bushfire requirements do not impact onto the Prospect Nature Reserve.
Roads and Maritime Services (Referred to RMS as the proposal is for a warehouse and distribution centre having more than 8,000 m ² in site area)	Acceptable.

Authority	Comments
Department of Planning, Industry and Environment (Referred to DPIE in case a Special Infrastructure Contribution levy is required for the proposal)	Acceptable. A Special Infrastructure Contribution is not required as the site was used for industrial purposes immediately before the application was made, Subclause 3 of Clause 29 of the WSEA SEPP does not apply in this instance.

10 Internal referrals

10.1 The DA was referred to the following internal sections of Council for comment:

Section	Comments
Drainage Engineers	Acceptable subject to deferred commencement conditions
Development Engineers	Acceptable subject to conditions
Building	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Traffic	Acceptable
City Architect	Acceptable subject to conditions Comments are provided as follows: "The building materiality of the façade is appropriate and complies with Council's preference for robust building materials. Building materiality and height may be prone to glare, but given the context of the site there are no immediate concerns that this would adversely impact the surrounding pre-existing development. The applicant should provide further detailed information of the façade material, to ensure glare and reflection will not detrimentally impact neighbouring areas. Retention of perimeter landscaping elements is supported. The proposed landscape plans illustrate sufficient landscaping at the site entrance and the eastern boundary."
Biodiversity	Acceptable and no condition is required. Comments are provided as follows: "The application does not seek to remove any remnant vegetation (planted vegetation only) and the indirect impacts of the proposal on the adjacent Prospect Nature Reserve have been addressed to the satisfaction of NPWS (letter dated 18 August 2020)."
Section 7.11 Contributions	Acceptable and no condition is required. Comments are provided as follows: "There is no S7.11 plan for this area. The development was done under the Raceway Precinct VPA and, as such, there will be no S7.11 contributions payable for the site. Any water quality treatment will need to be addressed as per the engineer's requirements."

11 Conclusion

- 11.1 The DA has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.

12 Recommendation

- 12.1 Approve SPP-19-00009 for the reasons listed below and subject to the conditions listed in attachment 8.

- The site is considered suitable for the proposed development.
- The proposal adequately satisfies the relevant state and local planning provisions.
- The development will have no unacceptable impacts on the built or natural environments.
- The proposed development does not create any unreasonable environmental impacts to existing or future potential industrial uses in the locality.
- The proposal provides storage of electronic data which increasingly forms a critical part of the State's infrastructure, as new technologies requiring data storage become commonplace.
- This proposal will help to meet the demand for data centres given the new Federal laws that require data retention and storage.
- The proposal is in the public interest.

- 12.2 Council officers notify the applicant and submitters of the Panel's decision.



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