

# Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-57

## Development application

<b>DA number</b>	SPP-19-00014	<b>Date of lodgement</b>	22 November 2019
<b>Applicant</b>	Ashleigh Keyser - EMKC		
<b>Owner</b>	Marinucci Holdings Pty Ltd & Airtrunk Pty Ltd		
<b>Proposed development</b>	Demolition of the existing warehouse facility and construction of a 4 storey data centre including car parking and associated amenities. The proposed data centre will be used in conjunction with the existing data centre on the adjoining site at 35 Huntingwood Drive (known as Airtrunk Pty Ltd)		
<b>Street address</b>	24 Healey Circuit, Huntingwood (Lot 201 DP 866346)		
<b>Notification period</b>	17 to 31 January 2020	<b>Number of submissions</b>	0

## Assessment

<b>Panel criteria</b> Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> <li>Capital investment value (CIV) over \$30 million and below \$50 million (DA has CIV of \$46,141,584).</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>Protection of the Environment Operations Act 1995</li> <li>Biodiversity Conservation Act 2016</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)</li> <li>Blacktown Local Environmental Plan 2015</li> <li>Blacktown Development Control Plan 2015</li> <li>Central City District Plan 2018</li> </ul>
<b>Report prepared by</b>	Bertha Gunawan
<b>Report date</b>	11 March 2020
<b>Recommendation</b>	Approve subject to the conditions listed in attachment 7.

## 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 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**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
  - car parking provision based on a merit assessment
  - noise and vibration impact from a 24 hour operation
  - removal of trees.
- 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 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 conditions listed in attachment 7.

## **2 Location**

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- 2.1 The site is located on the south-eastern corner of Healey Circuit, Huntingwood, with the M4 Motorway on the southern side of the site. There is no direct access from the M4 to the subject site.
- 2.2 The location of the site is shown at attachment 1.

## **3 Site description**

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- 3.1 The site is legally described as Lot 201 in DP 866346, being 24 Healey Circuit in Huntingwood.
- 3.2 Existing on the site is a single storey warehouse with associated office and car parking areas.
- 3.3 The site is surrounded by a data centre on its northern and eastern boundaries, the M4 Western Motorway on its southern boundary and several warehouses to the west. These surrounding buildings are 3 - 4 storeys high.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.

## **4 Background**

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- 4.1 The subject site is zoned IN2 Light Industrial. The zoning plan for the site and surrounds is at attachment 3.
- 4.2 The proposed data centre is defined as a 'high technology industry', which is a type of light industry and is a permissible development in the IN2 zone under Blacktown Local Environmental Plan 2015 with consent.
- 4.3 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 permissible under this SEPP amendment. This is irrelevant to the site as it is already permissible under Blacktown LEP 2015.
- 4.4 Blacktown LEP 2015 does not specify any restriction on building height or floor space ratio (FSR) on the subject site.
- 4.5 On 21 October 2016, the previous Sydney West Joint Regional Planning Panel approved a data centre under JRPP-16-03318 at 35 Huntingwood Drive, which adjoins the northern

side of the subject property. That development comprised 8 x 2 storey data halls, 2 x 3 storey 'tech space' areas of office facilities and amenities, and a dedicated electrical transformers yard.

## **5 The proposal**

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- 5.1 The applicant proposes the demolition of the existing warehouse facility and the construction of a 4 storey data centre, to be used in conjunction with the existing data centre at 35 Huntingwood Drive on the adjoining northern side of the subject site. This application is also proposing to consolidate the land titles for 24 Healey Circuit and 35 Huntingwood Drive.
- 5.2 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.
- 5.3 It should be noted that no further Section 7.11 Contributions are payable for the developable area of this site as the existing warehouse as constructed in 1996 had been fully levied and fully paid for.

## **6 Assessment against planning controls**

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- 6.1 A full assessment of the Development Application against relevant planning controls is at attachment 6, including:
  - Environmental Planning and Assessment Act 1979
  - Protection of the Environment Operations Act 1995
  - Biodiversity Conservation Act 2016
  - State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
  - State Environmental Planning Policy (State and Regional Development) 2011
  - State Environmental Planning Policy (Infrastructure) 2007
  - State Environmental Planning Policy No. 55 – Remediation of Land
  - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
  - Blacktown Local Environmental Plan 2015
  - Blacktown Development Control Plan 2015
  - Central City District Plan

## **7 Key issues**

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### **7.1 The applicant is seeking to provide car parking on a merit assessment basis**

- 7.1.1 Blacktown Development Control Plan 2015 (DCP) requires car parking provision for industrial uses at the rate of 1 space per 75 m<sup>2</sup> of gross floor area (GFA) and 1 space per 40 m<sup>2</sup> GFA for the office component. However, the land uses which are specified for this car parking rate include light industry, general industry, heavy industry and warehouse or distribution centre.
- 7.1.2 The DCP does not provide a specific parking rate for the proposed land use, being a 'high technology industry-information technology'. Instead, it includes a note which states that, '*... car parking requirements for development types not contained in this Table or regulated in other Planning Instruments will be assessed on merit and may require the submission of a traffic study.*'. This approach was applied in the assessment of the expected parking demand for this proposal.

- 7.1.3 It is noted that when calculating gross floor area in Blacktown Local Environmental Plan 2015 areas to be excluded from this definition include 'plant rooms' or 'other areas used exclusively for mechanical services'.
- 7.1.4 The proposal comprises 18,640 m<sup>2</sup> of data storage area and 631 m<sup>2</sup> of office space. Based on the DCP car parking rates, 264 car spaces are required. The proposal does not satisfy this requirement as it provides only 28 car parking spaces.
- 7.1.5 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. With this DA the proposed number of employees at any one time is expected to be 10 at a maximum. Therefore, the assessment of parking demand generated by this proposal has been assessed on a merit basis.
- 7.1.6 It should be noted that the existing data centre at 35 Huntingwood Drive adjoining the subject site comprises 23,080 m<sup>2</sup> of data storage and ancillary space and 5,450 m<sup>2</sup> 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).
- 7.1.7 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 DCP car parking requirements.
- 7.1.8 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 'Alternative use plan' at attachment 5 indicates the provision of 40 additional car parking spaces along the southern side of the building, in lieu of the proposed plant and equipment areas. There is another proposed plant and equipment area along the northern side of the building which is capable of providing at least an additional 70 spaces. This would bring the potential total parking provision to 138 spaces if there was a future change of use.
- 7.1.9 The provision of 28 car parking spaces has been assessed on its merits and is considered satisfactory in meeting the parking demand generated by this specific land use, in particular given that only 10 employees are proposed.

## **7.2 Noise and vibration impacts**

- 7.2.1 The proposal was accompanied by an Operational Noise Assessment Report prepared by Noise and Sound Service which establishes the likely predicted noise emission from the site to nearby sensitive receivers (ie. residential areas) that are located 1.5 km north-east of the subject property (although the report mentions 900 m, the closest residential zoned area is 1.5 km), and provides acoustic design recommendations to achieve compliance with the EPA's Industrial Noise Policy.
- 7.2.2 The report presents a noise survey for the site and the project specific acoustic criteria for the development. Residential areas should not receive more than 40dBA noise impact during daytime or 35dBA during night-time. The surrounding industrial areas should not receive more than 70dBA at any time of the day. The report findings conclude that noise emissions from the data centre to the nearest industrial building to be between 47 and 68 dBA (68 dBA is specifically to the back-up generators with acoustic treatment installed) or 94 dBA (back-up generators without acoustic treatment).

7.2.3 The proposed acoustic treatments recommended in the consultant report are:

- the proposed diesel fuel tanks must be fitted with noise control options to be below the noise trigger levels, such as Parratech type FLCS exhaust silencer, acoustic enclosure lined with Parratech S-50 sound absorption and Parratech type ATT-273212 intake and discharge attenuators (or equivalents)
- further acoustic attenuation measures will be finalised once mechanical plant has been selected.

7.2.4 Our Environmental Health Unit has undertaken a review of the potential noise and vibration impacts generated by this development and it considers the proposal acceptable subject to conditions to satisfactorily manage the potential noise and vibration impacts.

7.2.5 As noted, there are a few discrepancies found in the submitted operational noise assessment report (such as the proximity of the nearest residential area stated at 900 m when it is in fact 1.5 km, and the incorrect zoning of the site stated as being IN1 General Industrial when it is in fact IN2 Light Industrial), however consent conditions will be imposed to ensure that the proposal must be carried out to accurately comply with the relevant noise attenuation requirements of the EPA Industrial Noise Policy (INP). This will include conditions requiring the acoustic consultant to verify that the development design complies with the EPA's INP prior to the issue of the Construction Certificate, with a pre-Occupation Certificate sign-off by the acoustic consultant confirming compliance of the completed development with the EPA INP and verifying compliance with a post-operative verification report within 3 months of occupation of the development.

### **7.3 Removal of trees**

7.3.1 According to the demolition plan, 6 trees are proposed to be removed, 2 of which are located on the south-western boundary adjoining 22 Healey Circuit and 4 small trees within the existing carpark area in the east. There are 4 existing trees along the southern boundary which are within the Cumberland Plain Woodland area and are proposed to be retained.

7.3.2 The 4 trees within the carpark area are required to be removed as they will be affected by the proposed building footprint, with one of them being a magnolia and the others 3 being narrow leafed lillipilli.

7.3.3 However, whilst the applicant wants to remove the existing 2 Brushbox trees on the south-western boundary, these are considered capable of being retained as they are not affected by the proposed carpark area and further landscaping around these trees can be carried out with the development.

7.3.4 Based on the above, the proposed removal of trees should be limited only to the 4 trees along the existing carpark area on the north-eastern side of the existing building. The required tree retention will be reiterated accordingly in the consent conditions.

## **8 Issues raised by the public**

8.1 The proposed development was notified to property owners and occupiers in the locality between 17 and 31 January 2020.

8.2 We received no submissions.

## 9 External referrals

- 9.1 The Development Application was not required to be referred to any external authority for comment. It is recommended as a condition of consent that the local Police be consulted by the applicant prior to any Construction Certificate regarding any safety/surveillance requirements they may have for the site. Their requirements must be implemented in the Construction Certificate plans.

## 10 Internal referrals

- 10.1 The Development Application was referred to the following internal sections of Council for comment:


Section	Comments
Drainage Engineers	Acceptable subject to conditions
Development Engineers	Acceptable subject to conditions
Building	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Traffic	Acceptable subject to conditions
City Architect	Acceptable subject to conditions
Biodiversity	Acceptable and no condition is required

## 11 Conclusion

- 11.1 The proposed development 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 Development Application SPP-19-00014 for the reasons listed below and subject to the conditions listed in attachment 7.
- The site is considered suitable for the proposed development, in conjunction with the existing data centre adjoining the site at 35 Huntingwood Drive.
  - 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 is in the public interest.
- 12.2 Council officers notify the applicant of the Panel's decision.



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