

In reply please quote: 23/29661

Contact: Amanda Seraglio on 9725 0228

28 August 2024

Industry Assessments  
NSW Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

**Request for advice: SSD-63741210 – Proposed Data Centre at 3-5 Johnson Crescent, Horsley Park**

Dear Sally Munk,

Fairfield City Council is in receipt of the above-mentioned state significant development application seeking to construct and operate a data centre. The facility is proposing the construction and operation of six (6) data centre buildings with a maximum height of 32 to 38 metres with associated bulk earthworks, retaining walls, on-site car parking and landscaping. It is estimated that the proposed development will consume approximately 250 megawatts of power during operation.

Based on the review of the Environmental Impact Statement and its supporting technical documents, the following comments are made for the applicant to further address as part of the application for Council to further consider the proposal.

**1. Advice from Transport for NSW (TfNSW)**

Based on a review of the Traffic Impact Assessment (TIA) in Appendix M, it is advised that all issues raised by Transport for NSW (TfNSW) shall be satisfactorily addressed prior to determination to understand potential impacts the development may have upon the Southern Link Road Upgrade. Furthermore, a copy of the SIDRA modelling results shall be sent to TfNSW to review.

**2. Traffic Generation**

The SIDRA modelling assessment finds that the intersection of Old Wallgrove Road / Johnston Crescent / Southern Link Road under development traffic impacts and Southern Link Road upgrade would operate at a level of service (LoS) F at the AM and PM peak hours in 2026. The current LoS (intersection performance) is A with good operation. SIDRA modelling outputs suggest in the future it would be operating at a LoS F during the AM peak hour which mean that flow breakdown and significant traffic congestion is likely to occur in the morning and afternoon peak hours. SIDRA modelling assessment of the development proposal shall include assessment of the construction traffic impacts of the development site onto the surrounding road network.

The development is expected to generate 260 vehicle trips in the AM or PM peak hour which is considered relatively high during the peak hours. The applicant shall submit to Council an Operational Traffic Management Plan detailing how the peak traffic generation will be managed and accommodated wholly within the site without creating internal manoeuvring issue or without impacting traffic flows on the adjoining road network.

The applicant shall consider the mitigation and/or traffic management measures to be implemented during both the construction and operational phases to reduce the traffic impacts with the future scenario.

### **3. Traffic Signals Design**

In addition to the traffic impact assessment, the applicant shall undertake parking impact assessment at the nearby intersections for each of the intersection upgrade scenarios. The applicant shall engage suitably qualified person (Road Safety Auditor) to carry out road safety audit/risks assessments for each of the scenarios associated with the upgrades/changes at the adjacent intersections (Old Wallgrove Road / Millner Avenue, Old Wallgrove Road / Lenore Drive / Telopea Place, and Old Wallgrove Road / Johnston Crescent / Southern Link Road). The purpose of the road safety audit report is to ensure that all foreseeable hazards and road safety deficiencies are identified and addressed.

For the upgrade of the traffic control signals at Old Wallgrove Road / Millner Avenue, Old Wallgrove Road / Lenore Drive / Telopea Place, and Old Wallgrove Road / Johnston Crescent / Southern Link Road:

- The traffic impact assessment report needs to address TfNSW traffic signal warrants/requirements and proposed phasing;
- The provision of TCS/phasing plan be in accordance with TfNSW standards in terms of kerb ramp direction, location, design, signal post, call button location, holding line, signal detector loops' location for SCATS and so on;
- TfNSW will generally require a two-lane approach on all legs and pedestrian crossings on all legs; and
- All works associated with traffic control signals require the applicant to obtain written concurrence from TfNSW.

As part of the approval process and prior to the commencement of the installation of traffic signals and any intersection upgrade works being carried out, the applicant must obtain approval from the Fairfield Traffic Committee and Council. Section 87 (4) of the Roads Act 1993 also specifies that TfNSW consent is required for the installation of traffic signals on local road.

As part of the approval process, the applicant shall obtain written concurrence/approval from TfNSW to support the installation of traffic signals at an intersection near the development site. All costs associated with the traffic signals design works are to be borne by the applicant.

#### **4. Largest servicing vehicle on local road**

The swept path diagrams illustrate the intersection areas of the site are not adequate to accommodate the manoeuvring of a heavy vehicle and another vehicle. Further information must address the conflicts between two-way simultaneous vehicle movements at the intersections.

It is noted that on the Transport for NSW Restricted Access Vehicle Map only a section of Johnston Crescent is approved for use by vehicles of up to 26m long. Under the Heavy Vehicle National Law (HVNL), a vehicle that is not longer than 19m may use all roads in NSW if the mass of the vehicle is under the general mass limits of 50 tonnes.

The applicant shall provide details of the largest vehicle servicing the site. Restricted access vehicles must not travel on local roads unless the applicant has obtained permits from NHVR through the application process. Requests to use these vehicles on public road(s) must be submitted to the NHVR at least 28 days prior to the vehicles' scheduled travel dates.

Furthermore, any changes to existing parking or parking restrictions on a public road or public road related area require support from the community and approval from the Fairfield Traffic Committee.

#### **5. On-site Parking**

The provision of off-street parking spaces at the site shall be in accordance with TfNSW and Council's parking requirements. Further information is required to justify that the provision of 200 off-street parking spaces is adequate to cater for the peak parking demands at the site in the future. Any variations to the parking requirements is to be justified by way of a parking survey of a similar development of similar scale and operating characteristics. Unless otherwise agreed, the applicant should not solely rely on the predicted use/parking demands of the site based on its current predicted use as this could change in the future.

#### **6. On-site Queuing**

The TIA (Appendix M) states that access control to passenger vehicles upon approach to the site is to be restricted via two sets of gates set-back approximately 30m within the site to allow queuing for up to five vehicles within the property boundary and on approach to the boom gates. Based on the traffic generation of the development site, the applicant shall undertake queuing analysis at the proposed boom gate of the basement car park.

To determine the storage queue of the boom gate, guidance shall be sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The 95<sup>th</sup> percentile queue lengths, which would be considered to be the appropriate design standard that should be accommodated to ensure that the queuing provision is to accommodate the 95<sup>th</sup> percentile queue lengths and minimise the potential impacts onto the adjoining external road network.

## **7. Loading Management**

Carrying out loading and unloading activities from the designated loading areas and shall not obstruct the flow of traffic within the site. A Loading Management Plan shall be provided to Council for assessment and must incorporate a breakdown of the types of heavy vehicles accessing the site on hourly basis through the day. This is to ensure that vehicles servicing/using the site will be managed in a way that they will not affect traffic circulation within the site and/or to cause vehicles queuing onto the external road network.

## **8. Construction Traffic Management Plan**

The Construction Traffic Management Plan shall be submitted to Council for approval prior to the issue of a Construction Certificate at each stage and must include the following information:

- Details of the construction vehicle routes, number of trucks on daily and weekly basis, hours of operation, access arrangements and traffic control for various stages of the development works,
- The locations of the site's construction vehicle driveways shall be clearly shown on the site plans. The width of the temporary driveway shall be adequate to accommodate the largest vehicle turning into and out of the site without impacting other road users; and
- The types and the number of heavy and light vehicle trips to and from the site at various stages of the construction works. The CTMP should also provide a summary of the construction works, the types, the number of construction vehicles, the largest vehicle required at each stage of the work.

## **9. Stormwater Management**

### **A. Stormwater Quantity**

The applicant is to consider Council's Stormwater Management Policy 2017. Council controls are more conservative in relation to the Permissible Site Discharge (PSD) and the Site Storage Requirements (SSR), permitting a smaller volume of water coming off the site per second. Council aims to eliminate the impact on receiving water ways by potentially increasing bank erosion and down stream communities.

### **B. Stormwater Quality**

The development shall capture and prevent pollutants from entering waterways by having a Stormwater Quality Improvement Device Evaluation protocol (SQIDEP) verification to ensure effective performance of the devices.

An Operations & Maintenance Manual, and associated budget must be provided for each device installed. Then, the applicant must ensure that the maintenance is provided on an ongoing basis, and to a high standard to ensure the targets measured in the MUSIC modelling are actually achieved on site in perpetuity.

## **10. Air Quality Impact Assessment**

Based on a review of the Air Quality Impact Assessment (Appendix O), the predicted worst-case scenario indicates that a number of additional exceedances of the short-term air quality criteria for PM10, PM2.5 and NO2 are predicted to occur. This will generate exceedances therefore concerns is raised that the proposal will affect nearby receivers.

Furthermore, the report states that the use of all generators at the one time would be an unlikely occurrence. However, it must be noted that the operation of all diesel generators can occur in the worst event resulting to air quality exceedances impacting on nearby receivers.

The consent authority shall engage an independent qualified, experienced and certified consultant to review Air Quality Impact Assessment to ensure the report is sufficient in demonstrating that the proposed development will not have adverse or accumulative impact on air quality and odour, on receivers. This review should also determine if any mitigation or pollution control equipment can be installed to reduce air pollutants to a complainant level

## **11. Plan of Management**

Council requested a Plan of Management (PoM) be prepared detailing the daily operation to ensure the operations of the development will be sustainably managed. Part 6 of the EIS addresses the environmental impacts and mitigation measures proposed for the development. The EIS also makes reference that a PoM will be prepared prior to the issue of the CC. No issues are raised with the PoM being provided at CC stage subject to the condition that development must not commence the development until the PoM is approved by the delegated authority and must include but not limited to the following environmental management plans:

- Loading Management Plan
- Operational Traffic Management Plan
- Water
- Air Quality Management Plan
- Safety and security details
- Emergency Response Plan
- Pollution Incident Response Management Plan
- Waste Management Plan
- Water Management Plan

## **12. Landscaping**

Planting will take place across the two frontages with additional landscaping along the eastern and south-eastern frontages. Boundary trees are proposed along Johnston Crescent and Burley Road frontages. Presentation entry feature planting is proposed to prominent corner of the site at the intersection of the roads. Sensitive plantings will be included with the APZ to appropriately manage the ecological zone.

Council recommends the following be incorporated within the landscape plan:

- To focus on complementing the Cumberland Plain that is being retained to the southeast of the site.
- That the applicant adheres to the recently adopted Fairfield City Council Biodiversity Strategy, Part 3 section 4.3, it is recommended that within 100m of remnant bushland hybrid species should not be planted, due to the proximity of the Managed Ecological Zone, planting hybrids is not recommended.
- The Proposal includes new tree plantings to be provided within the site and along the street frontages of Burley Road and Johnston Crescent as a result of the 6 trees proposed to be removed on Council street verge to accommodate the development.

## **13. Building Scale and Visual Amenity Impact**

Council acknowledges the proposed developments large bulk and scale in its industrial / employment land context. However, the eastern boundary adjoins the existing RU4 Primary Production Small Lots zone and the areas associated dwellings.

While it is acknowledged that Stage 2 (Building D) will have a large cut and retaining wall of approximately 5 metres sinking the building into the environment, the building is in excess of 37 metres directly adjoining the RU4 zoned land and therefore this structure that will have the largest impact on the adjoining rural zone and associated dwellings.

The plans show is little in the way of a building transition or scale variation in Building D to reduce the impact on those adjoining dwellings and rural zone. Given the proposed setbacks there is also limited screening opportunity to suitably transition to the adjoining RU4 properties. The design and scale of buildings should be reduced in height in Building D to ensure that there is a suitable transition from the industrial buildings to the eastern boundary. Ideally the scale directly adjoining the eastern boundary would remain below any existing tree-tops lines that currently characterise the local landscape and scenery which will result in adverse impacts to the existing rural developments.

Council requests that the Department reconsider the scale addressing the eastern edge of the development in Building D, by either engaging an independent qualified urban designer or going through the NSW State Design Review Panel to assess the appropriateness of the building height, roof plant, site layout, design and visual impacts of the proposed development, reduce bulk, scale, height and visibility to achieve a better contextual fit on a regional scale and the local scale given the principally rural residential character of the area to the east.

Council also identifies concerns that the architectural design report does not appropriately respond to the view analysis and regional views to the Blue Mountains, the public domain, the streetscape, the eastern interface which is characterised by a rural residential precinct and will require careful reconsideration of a more appropriate transition in heights for Building D to the low scale low density RU4 zoned properties.

#### **14. Section 7.12 Development Contributions**

In accordance with Council's Local Infrastructure Contributions Plan 2023, Section 7.12 Development Contributions shall be levied on the development as part of any State Significant Development approval. Refer to Appendix A for an example condition.

#### **15. Recommended Environmental Management Conditions**

In addition to the matters raised in point 1-12 of this letter, it is recommended that the conditions in Appendix A of this letter is imposed as part of the consent to minimise the environmental impacts of the development in accordance with the relevant legislation and guidelines.

Thank you for allowing Fairfield City Council the opportunity to provide comments in relation to the abovementioned SSD. If you would like more information regarding the above, please contact Amanda Seraglio on 9725 0228.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Shinn', with a stylized flourish at the end.

Chris Shinn

**COORDINATOR STRATEGIC LAND USE PLANNING**

## **Appendix A – Recommended conditions subject to determination by the delegated authority**

### **1. Loading, Parking and Access**

The internal site layout, including on-site car parks, loading bays, aisle widths, driveway/ramp grades as well as satisfying the relevant Australian Standards (AS/NZS 2890.1:2004 and AS 2890.2:2018) shall be designed to the satisfaction and of Council's Subdivision Branch and be approved by their requirements.

### **2. Aboriginal Heritage & Archaeology**

If any Aboriginal objects or bones suspected of being human are identified during construction, site workers must:

- a. Not further disturb or move these remains.
- b. Immediately cease all work at the location.
- c. In the case of suspected human remains only, notify NSW Police. In the case of Aboriginal objects, notify The Office of Environment & Heritage Environment Line on 131 555 as soon as practicable and provide available details of the objects or remains and their location. The Gandangara Local Aboriginal Land Council should also be notified to assist in the determination of appropriate management for the objects or remains.
- d. Not recommence any work at the location unless authorised in writing by the Office of Environment & Heritage

If remnants or artefacts are found during the progression of works on the site, excavation or disturbance of the area is to stop immediately. In accordance with s.146(a) of the Heritage Act, 1977 the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

A policy of managing the known relics and an interpretative strategy developed on how to interpret any relics found on the site must be developed and subject to separate approval by Council's Heritage Advisor

### **3. Water Cooling System**

- a. Certificate of the Installation – Water Cooling System  
Upon the completion of the installation of the water cooling system, submit to Council a certificate (to be issued by a competent person who is qualified and licensed to install water cooling system) certifying that the water cooling system has been designed and installed in accordance with AS/NZS 3666.1:2011 Air-handling and water systems of buildings – Microbial control – Part 1: Design, installation and commissioning.
- b. Operation and Maintenance Requirements – Water Cooling System



The water cooling system shall be operated and maintained in accordance with the requirements of the Public Health Act 2010 and Public Health Regulation 2022.

- c. Records of Maintenance of Water Cooling System  
Record of maintenance (including monthly reports, cleaning reports and annual certificate of effective disinfection process) for the water cooling system shall be kept on the premises at all times and produced for inspection at the request of Council.
- d. Notification of Installed Water Cooling System  
Prior to the commissioning of the water cooling system, submit to Council a written notice (NSW Health Form 6 – Notification of Installation or Change in Particulars) regarding the water cooling system.  
Note: A copy of the Form can be downloaded from NSW Health Website at [www.health.nsw.gov.au](http://www.health.nsw.gov.au)
- e. Risk Management Plan  
Prior to the Commissioning of the water cooling system a Risk Management Plan (NSW Health Form 1) shall be completed and submitted to Council.  
Note: A copy of the Form 1 can be downloaded from NSW Health website at [www.health.nsw.gov.au](http://www.health.nsw.gov.au)
- f. Registration of the water cooling system  
The water cooling system shall be registered with Fairfield City Council. Council's Registration of business/facility form shall be completed and submitted to Council.
- g. Inspection Fee  
Council's Environmental Health Officers will carry out routine inspections of the water cooling system. An inspection fee will be charged (for each inspection) in accordance with Council's Pricing Policy and Fees and Charges.

#### **4. Café:**

##### **Compliance with Food Act 2003**

The premises shall comply with the requirements of the Food Act 2003, Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 Construction and fit out of food premises.

##### **Food Safety Supervisor**

A food safety supervisor shall be appointed in accordance with Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the commencement of the food business.

##### **Notation: Food Business Notification and Food Safety Supervisor**

Under Food Act 2003, a retail food business must notify the local Council of the details of its food business. In addition, certain retail food businesses such as restaurants, cafes, takeaways, club and pubs are required under the Food Act 2003 to appoint at least one trained Food Safety Supervisor (FSS) in their business.

The NSW Food Authority's website at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au) provides further details of the Food Safety Supervisor requirements.

**Registration of Food Premises**

The premises shall be registered with Council prior to the commencement of business. In this regard, Council's Form - Registration of Business/Facility shall be completed and returned for processing.

**5. General lighting:**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282\_2019 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

**6. Acoustic Report**

An acoustic report is to be prepared and submitted to consent authority for its assessment and approval within three (3) months of occupation/completion of the development. The report shall include but is not limited to the following information:

- a) Noise measurements taken at the nearing noise sensitive locations as indicated in the Noise and Vibration Assessment, prepared by aurecon, 14 June 2024, ref: P521243
- b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report.
- c) All complaints received from residents in relation to the operation of the premises/development.

Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from consent authority, any recommendations provided under point d) above shall be implemented fully.

**7. NSW Protection of the Environment Operations Act 1997**

The use of the premises shall operate in accordance with the Protection of the Environment Operations Act (POEO) 1997. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

## **8. Section 7.12 Development Contributions**

### **Payment of Section 7.12 Contributions**

Before the issue of a Construction Certificate of alternative timing, the applicant must pay a total contribution of AMOUNT as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Fairfield City Local Infrastructure Contributions Plan 2023 (Section 7.11 and Section 7.12).

A copy of the contributions plan is available for inspection at Fairfield City Council.