

23 August 2022

Judith Portelli
Blacktown City Council
62 Flushcombe Road,
Blacktown, NSW 2148

Dear Judy,

57 STATION ROAD, SEVEN HILLS – RESPONSE TO SUBMISSION IN RELATION TO SSD-33781208

I am writing in relation to Council's submission made in relation to the data centre project at 57 Station Road, Seven Hills, currently being assessed under SSD-33781208.

The subject submission raises several concerns in relation to the proposed development and identifies that, in its current state, the project is not supported by Council.

In response to Council's submission, we have prepared a table which maps out the way in which we intend to respond to the concerns raised (**Attachment 1**).

We would like to request a meeting with Council to discuss the intended responses outlined in the letter so that we confirm matters raised are being addressed to the satisfaction of Council and we can progress the application accordingly.

We look forward to meeting with Council to discuss the project further. Should you wish to discuss please do not hesitate to contact me on 0401 699 336 or mstankovic@patchplanning.com.au.

Kind Regards,



Mason Stankovic
Director

Aspect	Details	Intended Response
Planning	<p>To reduce urban heat generation from the development, full compliance with the landscaping provisions prescribed by Section 4.2 of Blacktown Development Control Plan 2015. In this regard, a tree is to be provided every 10m in the proposed car parking area. Displaced car parking spaces are to be provided elsewhere on site.</p>	<p>In response to the commentary provided by Council, the landscape design is proposed to be updated to include five (5) new trees amongst the car parking spaces fronting the proposed data centre (which is approximately 60m in length). Furthermore, it is intended to replace <i>Grevillea Robusta</i> with an endemic species (<i>Eucalyptus Moluccana</i>) in response to the City of Parramatta Council's comments on the proposal.</p> <p>Whilst it is acknowledged that strict compliance with the DCP control mentioned will still not be achieved, the landscaping solution proposed is considered acceptable in the circumstances for the following reasons:</p> <ul style="list-style-type: none"> • The design comprises extensive landscaping within the rear setback and side setback fronting McCoy Park, as well as landscaping approved in the front setback under DA-21-01058. This includes large trees which will contribute to increased canopy coverage and a reduction in urban heat generation. • The SYD09 development approval assessed by Council provides a high-quality integrated landscape design in line with Council controls. • The landscape design results in an outcome which achieves the objectives of the BDCP 2015 notwithstanding the non-compliance and represents an acceptable alternative solution. • The ability to provide trees in line with the DCP control is constrained by the need to also provide services in this location. This is not considered in Council's response. • Planting arrangements such as low hedges and shrubs, low height ground cover and tall trees with bare trunks, promote natural surveillance, as opposed to medium height vegetation with thick foliage. • With the introduction of new planting, the departure from the DCP control will ultimately be minor, with 5 trees provided when 6 trees are otherwise required.

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	<p>The approved single storey data centre with a gross floor area of 630 m² at the front of the site fully complied with the Blacktown Development Control Plan 2015 industrial car parking rates. 16 car parking spaces were provided. In contrast, this double storey data centre with a gross floor area of 8076 m² only proposes 15 additional car parking spaces. If you subtract the circulation, amenity, plant and storage areas from the gross floor area calculation, it would result in the following applicable industry and office gross floor areas:</p> <ul style="list-style-type: none"> • Industrial: 5325sqm • Office: 545sqm <p>Based on these gross floor areas, the Blacktown Development Control Plan 2015 car parking rates would require the following number of car parking spaces:</p> <ul style="list-style-type: none"> • Industrial portion: 71 • Office portion: 14 <p>A total of 85 additional car parking spaces are therefore required. The 15 car parking spaces proposed therefore represents a significant shortfall of 60 parking spaces. This significant departure is not acceptable. Whilst it is acknowledged that the predicted staff numbers for the data centre will not demand all 85 parking spaces, the building's use could change at any time in the future to a use that does demand them all.</p>	<p>While under NSW legislation data centres are defined as high technology industry (which is a type of light industry), they are far less intensive than typical industries, and therefore have a far lower car parking demand. On this basis, compliance with Council's car parking requirements should not be enforced and an alternative approach (such as the first principles approach proposed for the subject development) should instead be accepted by Council.</p> <p>In relation to Council's concern that the development could change use at any time to a more intensive type of industry, we implore Council to recognise that this is an extremely unlikely scenario. As identified in the cost estimate report accompanying the application, the development is anticipated to have a total cost of \$54,782,201, which is substantially more than the cost of more traditional light industrial development of a similar size and scale. On this basis, a change of use is simply not commercially viable, especially whilst demand for cloud data storage services continues to grow globally.</p> <p>Notwithstanding the above, to address Council's concerns raised in relation to car parking we intend to prepare a site plan which reflects a hypothetical change of use scenario. The site plan will demonstrate how, in the event a change of use were to occur, the site could easily cater for an additional 60 car parking spaces through the conversion of areas proposed for use as plant under the subject application.</p>
	<p>Provide solar panels on the roof of the proposed building as sustainable development principles are encouraged.</p>	<p>Revised architectural plans are intended to be prepared which will include the provision of solar panels on the roof of the data centre.</p>
Environmental Health	<p>The Acoustic Assessment Report prepared by PWNA, dated 3 June 2022 does not consider worst case scenario/emergency operation scenario (operation of all 8 generators at 100% capacity). It also does not consider the cumulative impacts, such as that from the already</p>	<p>PWNA have advised that the Acoustic Assessment Report, which includes the testing of generators one at a time, has been prepared within the framework of the <i>Noise Policy for Industry</i>.</p> <p>Under the <i>Protection of the Environment Operations Act 1997</i> (POEO Act 1997), the <i>Noise Policy for Industry</i> is only applicable to generator events</p>

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	approved data centre.	<p>that occur more than 200hrs a year. The generators are proposed to be used in the event of a power blackout, and otherwise tested periodically one at a time during the day. This testing of generators during the day is expected to tally 38 hours per year, whilst the use of all generators in a power outage is not expected to exceed 200hrs per year. Therefore, use of all generators at once is outside the framework of the POEO Act 1997.</p> <p>PWNA have also confirmed that the assessment does include a cumulative assessment for the operation of both the approved and proposed data centres. Sections 4.2 and 4.5 contain results of the modelled scenarios referencing the approved data centre.</p> <p>Given the above, no update of documentation is proposed for the Acoustic Assessment Report.</p>
	The Review of Contaminated Land Reports: 57 Station Road, Seven Hills, prepared by Martens & Associates, dated 12 May 2021 is dated over 12 months old. Further testing was recommended post demolition of onsite structures. If remediation has now been completed, provide the data gap assessment and the validation report.	Information related to site validation and remediation can be provided as a part of the Response to Submissions package.
	<p>The Air Quality Impact Report, prepared by Benbow Environmental, dated June 2022 must consider the cumulative impacts from the operation of the proposed data centre and the already approved data centre. For instance, the running of 12 generators at 100% capacity (emergency scenario).</p> <p>Furthermore, high background levels of nitrogen oxides, carbon monoxide and dust meant it was not possible to demonstrate 'no additional exceedances'. It is likely that in certain circumstances the development will cause additional exceedances. Further assessment must be carried out to address this matter.</p>	<p>Benbow's existing assessment shows that carbon monoxide complies, and dust impacts are minimal. Nitrogen oxides is the key pollutant of concern in this assessment.</p> <p>Including the three additional generators from the already approved data centre would increase the total NOx emissions in Scenario 3 by approximately 20%. As shown in Benbow's assessment the Scenario 3 predicted ground level concentrations of NO2 exceeds the criteria for the 100th percentile.</p> <p>It is important to note that Scenario 3 assumes all generators are operating 100% of the time and as such, the 100th percentile is considered highly conservative. The average supply loss for electricity customers is ~350 minutes a year, representing 0.069% of the year (as outlined in the State of the Energy Market 2021). This demonstrates how unlikely it is that the worst-case scenario would occur in a typical year.</p> <p>A cumulative assessment of 12 generators running at 100% capacity would</p>

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		<p>not alter the outcomes of this assessment and as such, additional modelling is not considered warranted.</p> <p>There is difficulty in the direct application of the additional exceedance criteria for emergency generators, as they are only in operation during maintenance or in the event of a power outage. Furthermore, the approved methods do not contain methodology for the assessment of infrequent operations with a risk-based consequence and frequency criteria for further assessment. Therefore, additional assessment is not considered warranted.</p> <p>Note: The 20% increase in emissions has been estimated by calculating the emission rate for the existing generated using a normalised exhaust concentration 4140 mg/m³ for the Cummins2250 generator and an exhaust flow rate of 5.6m³/s and 1.37m³/s for the Cummins2250 and Cummins550 generators respectively then correcting for a dry exhaust flow using a typical factor of 0.35 and calculating the percentage based on the total mass emission rate of these 3 generators compared with the total mass emission rate of the proposed facility.</p>
Social Planning	<p>a. The proposed mitigations of potential negative impacts during the construction and future operation of the development require a plan of management to be submitted. This should include an overview of:</p> <ul style="list-style-type: none"> • locality with map, • hours of operation, • staffing ratios, • noise management plan, • complaints handling, • communication with surrounding properties and wider community, • security, • emergency management. <p>Plans and other relevant documents must demonstrate how crime prevention measures are included in the design and management of the proposed development.</p> <p>b. Plans and other relevant documents must</p>	<p><u>Plan of Management</u></p> <p>Whilst the EIS and accompanying documentation provide the majority of the information requested by Council for the plan of management, a plan of management has not been provided.</p> <p>Construction and operational management documentation are typically a post-approval requirement for state significant projects. As such, we request that Council reconsider the need for this information to be provided at this stage of the project and instead request that Council support a condition of consent be imposed by the Department requiring:</p> <ul style="list-style-type: none"> • The preparation of a Construction Environmental Management Plan (CEMP) prior to commencement of construction; and • The preparation of operational plan of management prior to the commencement of site operation. <p>It is noted that a review of other applications in the Blacktown LGA have included conditions consistent with the above.</p> <p>In relation to crime prevention measures, the subject data centre will be operated by a global technology company who have a dedicated team</p>

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	<p>demonstrate how crime prevention measures are included in the design and management of the proposed development.</p> <p>c. Provide additional information to confirm:</p> <ul style="list-style-type: none"> • how the proposed development will meet the sustainability requirements of a State Significant Development, • how the design and management strategies will contribute to state wide and local government emissions / carbon budget targets set for Blacktown City, • if the development includes roof top solar panels and adequate provision will be made for electric vehicles. 	<p>committed to ensuring that their centres are built and maintained to withstand everything from criminal actions and corporate espionage to terrorist threats and natural disasters. Where not considered sensitive information, specific details of crime prevention and security measures can be included in the plan of management. These measures will be determined by <i>HB 167:2006 Security Risk Management</i> and <i>ISO31000: 2018 Risk Management</i>.</p> <p><u>Sustainability and Emissions</u></p> <p>As a part of our response, we will confirm that the proposed development is estimated to emit approximately 98.5 kt of CO2-e per year. This is approximately 0.072% of the NSW annual GHG emissions in 2019 according to the State and Territory Greenhouse Gas Inventories (136.58Mt CO2-e). Nevertheless, the project is expected to emit approximately 72.6% less GHG compared to a building that just meets code and using conventional industry equipment.</p> <p>We request confirmation from Council regarding any specific carbon budget targets for/set by Blacktown City Council as the project team has been unable to locate any such targets separately.</p>
Drainage	<p>A Model for Urban Stormwater Improvement Conceptualisation and DRAINS model need to be provided to Council in a digital format for further assessment.</p>	<p>The digital models will be provided to Council's drainage engineer as requested. Furthermore, our project engineers would welcome a meeting with Council's engineers following their review of the digital models if required.</p>