ATTACHMENT 1

City of Ryde Submission NEXTDC S5 Data Centre and Innovation Hub at 269 Lane Cove Road, Macquarie Park

SSD-63168959

Submission Date: 30 August 2024
COR2023/160/2

EXECUTIVE SUMMARY

Introduction

Thank you for inviting City of Ryde Council to comment on the proposed Date Centre and innovation Hub State Significant Development (SSD) Application for the NEXTDC S5 Data Centre and Innovation Hub at 269 Lane Cove Road, Macquarie Park SSD-63168959.

The SSD Application seeks approval for the for the staged construction and operation of a data centre and innovation hub at 269 Lane Cove Road, Macquarie Park.

Specifically, the application involves:

- Site preparation works including demolition and removal of existing structures, tree removal and bulk earthworks.

- Staged construction and operation of two data Centre buildings (Building A and Building B), each with a maximum height of 65 metres and a combined total gross floor area (GFA) of 46,935m² comprising 33,643m² of technical data hall floor space and 13,292m² of office, retail, and innovation hub floor space.

- Building A will be delivered in Stage 1, comprising:

    - Basement parking for 105 cars including four accessible spaces and 10 EV spaces. Two retail tenancies at ground level:335m².
    - Lobby and innovation hub including auditorium and training rooms: 3,192m². NEXTDC and mission critical (MCX) office floor space: 9,765m².
    - Seven storeys of technical data floor space accommodating seven data houses: 17,258m² – Utilities including diesel generators (2MWe), above-ground water tanks for industrial water (460kL each), above-ground diesel storage tanks (110kL each) and an above-ground water tank for fire water (350kL each).
    - Business identification signage facing Waterloo Road and Lane Cove Road.

- Building B will be delivered in Stage 2, comprising:

    - Seven storeys of technical data floor space accommodating seven data halls: 16,385m².
    - Construction of a sky bridge which will connect with Building A, providing direct access between the data halls.
    - Utilities including diesel generators (2Mwe), above-ground water tanks for industrial water (460kL each), above-ground diesel storage tanks (110kL each) and an above-ground water tank for fire water (350kL each).
    - Business identification signage on the western and southern building facades.

- The proposed building heights include:

    - Building A: office and innovation hub – 49 metres over 10-storeys
    - Building A: data centre – 65 metres over nine-storeys
    - Building B: data centre – 65 metres over nine-storeys

- Landscaping across the site in accordance with the Project staging, delivering a mix of native and endemic plant species, shrubs, and grasses, including 93 additional trees within a total area of 4,825m² deep soil and a resultant tree canopy cover of 6,211m².

- Staged delivery of public domain works, including:
    - Stage 1: construction of the northern extent of Road 13 from Waterloo Road and urban plaza between Building A and Waterloo Road.
    - Stage 2: construction of the remaining southern extent of Road 13 and the full extent of Road 5.
- Delivery of 90 megawatts of power (via a separate application with Ausgrid) with a 33kV switching station to be accommodated on site, as well as other site services, including stormwater infrastructure.

In review of the Environmental Impact Statement (EIS) and supporting documentation a number of issues have been identified. The key issues identified with the data centre application include:

- Strategic Planning Inconsistency
- Use of 6.9 and Voluntary Planning Agreement
- Urban Design Outcome
- Strategic Transport
- Economic Impact
- Landscaping and Arboricultural
- Development Engineering
- Sustainability, Resilience and Engagement
- Traffic
- Public Domain

Broadly Council has reviewed the Application and has serious concerns with the application proposed. The development of a data centre at a location immediately next to a metro station undermines the premise of the Transport Oriented Development (TOD) proposed by the NSW Government under the Stage 1 and 2 rezoning of Macquarie Park, to try and resolve the housing shortfall. The Application before DPHI is completely inconsistent with the rezoning of Macquarie Park, particularly noting that the reform proposed the prohibition of data centres within Macquarie Park.

The proposed data centre does not align with the type of land uses suited for this location being a prominent site immediately next to the metro station. The proposal will not maximise the number of people directly employed on the site and result in the under-utilisation of the available transport, communications and utility infrastructure which has been provided by government and utility providers at considerable cost.

As outlined later in this submission, the development does not ensure land use conflict is addressed appropriately given the location of the proposed data centre which adjoins a Metro Station, and the site is within close proximity to residential development (existing and proposed) on Lane Cove Road

It is the view of Council that the proposal, is inappropriate and Council **objects** to it. Details of the issues are included below.

Detailed Explanation of Issues

1. Strategic Planning Inconsistency

Council's strategic section does not support the proposed data center as it will undermine the intentions of the Macquarie Park Stage 2 rezoning proposal currently on exhibition on the Department of Planning, Housing, and Infrastructure's (DPHI) website. Given the significant inconsistency with both Council's and DPHI's strategic intent for Macquarie Park, DPHI's TOD section should be consulted on the application. It is requested that DPHI's Industry Assessment team seek feedback on the EIS from DPHI's TOD team.

1.1. Inconsistency with the Macquarie Park Stage 2 Rezoning proposal

The Macquarie Park Precinct has been identified by DPHI as a priority high growth area under the TOD program. This is due to the precinct's capacity to support an increase in population and additional housing growth close to a transport hub and other essential amenities. The rezoning has been spilt into two stages; Stage 1 is anticipated to be finalised mid-2024 and Stage 2 is currently on exhibition and due to be finalised by the end of this year. The subject site is located in the Stage 2 study area.

Figure 1 below outlines its location within the study area.

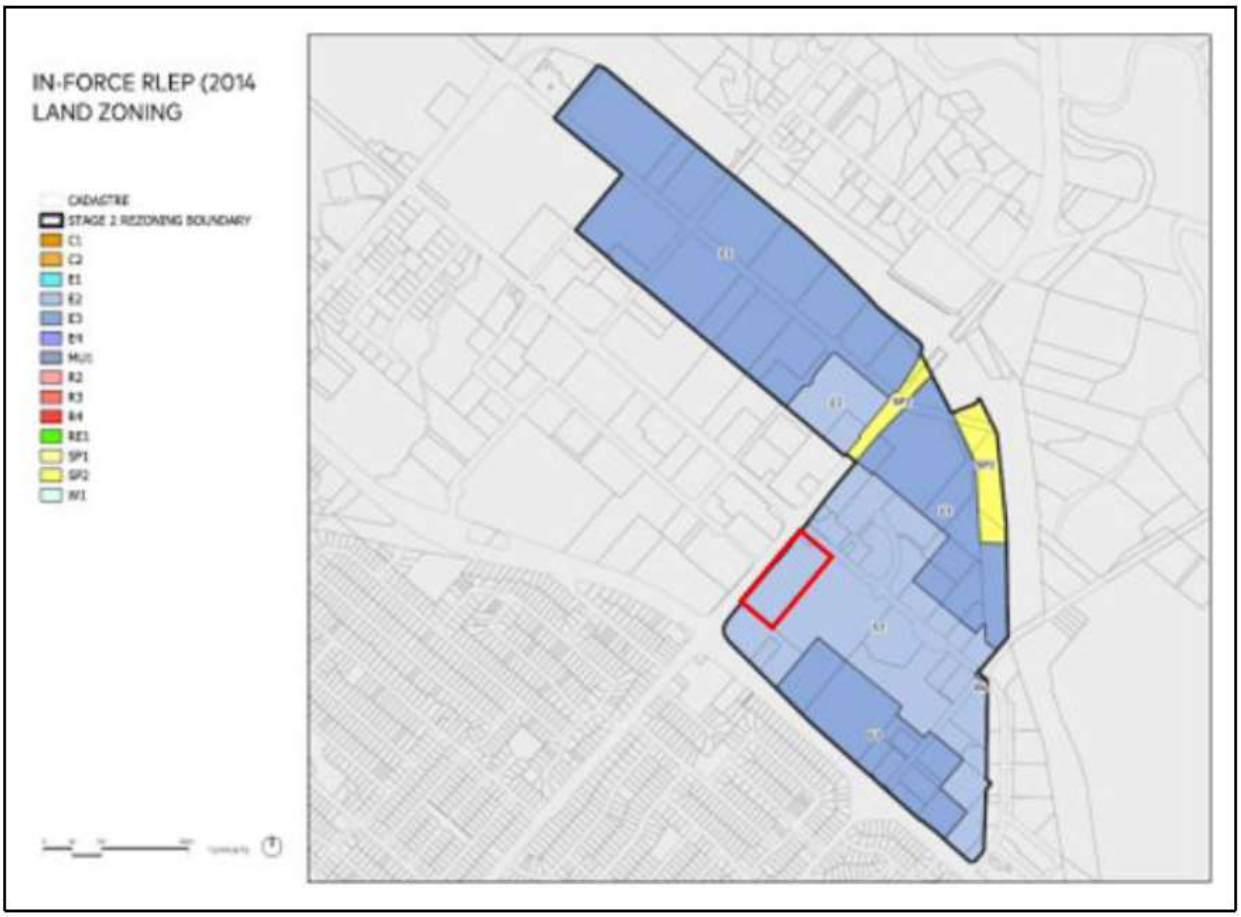

Figure 1: Location of subject site with the Stage 2 rezoning as outlined in red.

While it is noted the provisions under the proposed rezoning are not in force, it clearly sets out the strategic intentions for the wider precinct, being a space that increases its capacity for residential development.

The proposal presents the following inconsistencies:

- The Stage 1 and 2 rezoning proposals intend to prohibit data centres in the E2 zone. The site is currently zoned E2 and has not been identified as a site to be rezoned under the Stage 2 proposal.
- The site has been identified as a key site 7 to benefit from increased height of building and FSR incentives to encourage highest and best use (mixed use) next to a Metro station in addition to providing key infrastructure for the wider community (Figure 2). Under the proposed rezoning incentives, the site can access these incentives if at least 3,690m² will be used for a recreation area.
- The development does not provide the required 3,690m2 (per key site 7) of 'Recreation area' required under the Stage 2 rezoning whilst proposing to use the incentive provisions of Clause 6.9. The development if approved means that the required open space infrastructure to support the future densification of Macquarie Park will not be provided resulting in a significant undersupply of open space to support Macquarie Park as a TOD Precinct. This is a devastating loss to Macquarie Park and the proposal undermines the strategic intent of the NSW Governments Reform.
- Data centres are not considered to be the best use for this site considering its location next to Macquarie Park Metro station and it will prevent any future opportunities to provide more suitable uses that can deliver the required infrastructure.
- Data Centres are a highly incompatible land use with residential development, as such negatively impacting future residential development in proximity to the data centre.

Figure 2: Proposed Key sites Map under the stage 2 rezoning (subject site shown in red)

Overall, the proposal is inconsistent with the general intent of the TOD Rezoning, which seeks to locate more housing near the metro station. The proposal does not achieve the strategic objective for Macquarie Park under both Ryde Council's strategic policies or DPHI's strategic rezonings of

Macquarie Park and will negatively impact future infrastructure delivery needed to support the densification of the precinct (Refer to attached Appendix 2 & 3).

1.2. Status of Macquarie Park Stage 2 Rezoning proposal

Pursuant to section 4.15(1)(a)(ii) of the EPA Act, the department are now required to take into consideration the abovementioned draft provisions of the Macquarie Park stage 2 rezoning proposal when assessing an application for any site identified within the rezoning map.

Although the draft provisions are not currently binding obligations, it is relevant to consider whether the proposed date consent currently under assessment will be consistent with the draft rezoning for Macquarie Park. As indicated above, it is Council's view that the proposed date centre is not consistent with the draft rezoning for Macquarie Park.

The weight to be given to a "proposed instrument that is subject of public consultation" depends in part on the certainty and imminency of the proposed instrument. The Department of Planning, Industry and Environment website indicates that the Macquarie Park stage 2 rezoning proposal is intended to be finalised at the end of 2024, which suggests the amendments are **both certain and imminent** and therefore should be **given a considerable weight in determining the application** for the proposed date centre, which will be at the cost of housing that could be built at this site, with the number being close to 1000 dwellings. Given the NSW's Government advocacy and reforms of the housing crisis, providing housing in this location would be more beneficial than a data centre that reduces the employment numbers and does not contribute to housing.

Both City of Ryde Council and DPHI have acknowledged that there is already too many Data Centre's within Macquarie Park, particularly emphasizing DPHI's proposal to prohibited data centres within Macquarie Park. The oversupply of date centers within Macquarie Park has reached Critical Mass and the devastating impact of suggesting another data centre is not within the economic interest of Macquarie Park is unacceptable and against all strategic and statutory planning principles.

1.3. Strategic alignment with the Macquarie Park Corridor Masterplan

The site is located within an area identified as Commercial Core in the GARI NAWI (Saltwater Canoe) Macquarie Living Station of the *Macquarie Park Innovation Precinct Place Strategy* (Place Strategy) and *Macquarie Park Innovation Precinct Strategic Master Plan* (Master Plan). Under Clause 35 of the *Environmental Planning and Assessment Regulations 2021 (EPAR 2021),* all applications are required to be consistent with the Place Strategy and Masterplan.

Council notes that DPHI's Rezoning Reform, proposes to repeal the requirements for applications being consistent with the 'place strategy & masterplan' and require applications to be consistent with the Stage 1 and 2 reforms and associated design guideline as outlined in the Explanations of Intended Effect (EIE) dated November 2023 (stage 1) and July 2023 (stage 2)..

Under the Place Strategy and Masterplan currently in effect, the application is inconsistent with its requirements as it does not result in a land use that contributes to economic growth. Notwithstanding the current requirements of Clause 35 not being satisfied, as outlined in Section 1.2 of this report as DPHI's rezoning of Macquarie Park is both imminent and certain. The proposed reforms to the *Environmental Planning and Assessment Regulations 2021*, as proposed under the Stage 2 reform are relevant to this application.

It is clear from the strategic intentions under the rezoning reform (stage 1 & 2) that data centres are not land uses compatible with the future vision of Macquarie Park, as such resulting in their prohibition. Council requests that DPE strongly consider the requirements of the Stage 1 and 2 reform of Macquarie Park resulting in the prohibition of data centres as considering these 'draft

instruments', Pursuant to section 4.15(1)(a)(ii) of the EPA Act the amendments to Clause 35 of the EPAR 2021 are relevant to the Departments assessment and should be given considerable weight, in accordance with *Blackmore Design Group v North Sydney (2000))*.

2. Use of 6.9 and Voluntary Planning Agreement

2.1. Voluntary Planning Agreement (VPA)

The Application intends to enter into a Voluntary Planning Agreement (VPA) with Council to deliver two new roads (being Roads 5 and 13) and construction of new publicly accessible urban plaza between Building A and Waterloo Road. Council has not received a formal letter of offer seeking to enter into a VPA with the Applicant nor has Council been adequately consulted on any VPA.

Notwithstanding, Council has reviewed the application and the proposed roads and publicly accessible urban plaza which is intended to form the Applicant's VPA with Council. The proposed roads and public plaza do not meet Council's identified Open Space requirements or provide any meaningful public benefit and is not something Council would consider accepting given the lack information provided by the applicant to demonstrate that there is real benefit of having either of these roads, other than servicing the development site. The plaza is also designed mostly to serve the proposed development rather than the wider public benefit.

In addition, the construction of the plaza space that is proposed to be dedicated may not be utilised space by the development or may be a buffer zone required for the Metro line. This issue needs to be verified to ensure that the space can have other uses and the value is genuine, and not just a space that cannot be used for any other purpose.

Council wishes to consider alternatives to the proposed dedication such as funding of other open space infrastructure works within the Macquarie Park area and wishes to continue to engage with the Applicant to find a more appropriate solution.

Any approval of this application should not be considered unless the Applicant and Council has entered into a VPA. This is critical to the proposed application relies on clause 6.9 incentive provision, the application cannot be determined until a satisfactory VPA has been finalised.

2.2. Use of Clause 6.9

The Application seeks to benefit from *clause 6.9 Development in Macquarie Park Corridor* of the RLEP 2014. Council notes that the objective of clause 6.9 of the RLEP 2014, is to encourage **additional commercial development with an adequate access networks and recreation area** in the Macquarie Park Corridor. The clause states:

> *6.9 Development in Macquarie Park Corridor*
> (1) The objective of this clause is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas. (Emphasis Added)
> *(2) This clause applies to land in Macquarie Park Corridor, identified as "Precinct 01—Macquarie Park" on the Macquarie Park Corridor Precinct Map.*
> *(3) The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that—*
> *(a) there will be adequate provision for recreation areas and an access network, and*
> *(b) the configuration and location of the recreation areas will be appropriate for the*

recreational purposes of the precinct, and
(c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.

Clause 6.9(3) outlines that a consent authority can grant consent to development where these incentive provisions apply, as long as they don't exceed the incentive provisions maximums. The clause states:

> *(3) The consent authority may approve development with a height and floor space ratio that **does not exceed** the **increased building height and floor space ratio** identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct **Incentive Floor Space Ratio** Map, but only if the consent authority is satisfied that—*
> *(a) there will be adequate provision for recreation areas and an access network, and*
> *(b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and*
> *(c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.*

Council submits that DPE will require to be satisfied that any scheme they determine is in strict compliance with clause 6.9 incentive bonus prior to determination. The current scheme does not provide **adequate access networks and recreation area** in the Macquarie Park Corridor (refer to 2.1 above) as required by Clause 6.9 and is not supportable.

3. Urban Design Outcome

Overall Council objects to the current urban design outcome of the proposal. Council raises serious concerns that the current design of the building is inappropriate and does not advocate good place making outcomes. The built forms propose long unarticulated bulky buildings that don't define place resulting in offensive built form and poor amenity outcomes.

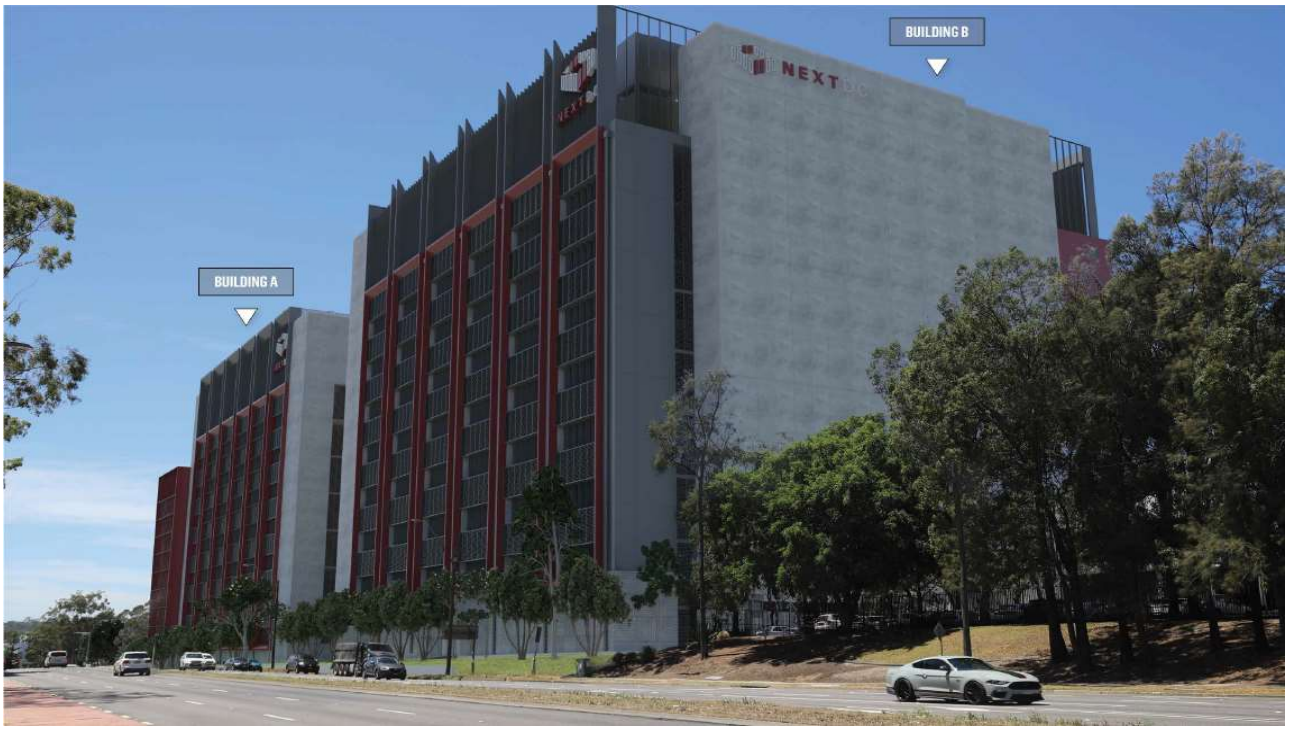

Figure 3: view of the development from Lane Cove Road (Source: HDR Architects)

The location of a data Centre on this site – particularly of this scale – is a poor outcome for Macquarie Park Innovation Precinct. From an architectural and urban design point of view, Council strongly opposes the proposed development.

3.1. Consistency with the Macquarie Park Innovation Precinct Urban Design Guide

The site is located adjacent to a Metro station and presents a unique opportunity to deliver a development that responds to the strategic objectives of Macquarie Park as proposed under DPHI's stage 2 reform, noting that its identified as Key site 7. The provision of a data centre results in an incompatible urban form being primarily a 'box'. This urban form does not relate to the urban vision setout in the rezoning of Macquarie Park and its presentation is inconsistent with the desired future character of the locality as setout in the Macquarie Park Innovation Precinct (MPIP) Urban Design Guide of Gari Nawi.

Council notes that the development is not supported by an assessment of consistency against the controls of the MPIP. Particularly Council notes that the urban form presented by the data centre does not provide for podium forms that promote a human scaled environment or provide compatible floor plate sizes for commercial development as outlined in the MPIP, control 5.3(3).

A detailed assessment of the proposal against the MPIP is required to be provided with the application. Further revision of the designs massing is required to respond to the future character of Macquarie Park.

3.2. Urban Design Outcome

The site is large enough to support a development that mixes significant employment and residential uses that leverage the transit options nearby. A data centre does not offer the density of users required to add vibrancy to the area or leverage the investment in infrastructure. The use does not contribute to realising the Macquarie Park Place Strategy or the intent of the Macquarie Park Rezoning and is not supported.

The small aspect of the development that is supported in principle is the location of offices facing the Metro Plaza which is supported in principle, as office land uses provides a compatible aspect of the development that achieves the objectives of the zone and planning reform.

The design of the metro plaza does little to improve the human experience of this intersection. The arrangement and location of planting separates the plaza from the footpath, which is not supported. Increasing tree canopy and ground cover planting across the site is supported in principle. A new design ought to be prepared that significantly increases pedestrian permeability and supports activation of the plaza *as public domain*.

The plaza should incorporate the following changes:

1. Remove all stairs, retaining walls, berms, and the like from the plaza to provide significantly increased pedestrian access and visual permeability to the street.
2. The plaza should extend from the footpath for the full frontage facing Waterloo Road and Lane Cove Road.
3. Provide vehicular entry to the plaza for temporary activations such as food trucks.
4. Consider other activations in the plaza to provide a critical mass of activities, improved passive surveillance, and create a more inviting public space in this difficult context.
5. The plaza area is to be fully accessible.

The proposal is bulky and largely impermeable. While this may be a function of the use (which Council does not support), the façade facing Lane Cove Road is bereft of activation. Glazing to internal corridors above street level contribute zero activation of the public domain. There is no

activation or passive surveillance of the proposed street or through-site link. If realised, the proposal would further erode opportunities to improve Lane Cove Road – locking it in as an urban environment completely hostile to anyone but passing vehicles.

The proposed 'linear park' indicated in the Architectural report is a vegetation buffer and is not designed as a passive recreation space. This is inconsistent with the MPIP design guidelines.

The location of generators facing the new road is not supported due to the amenity impacts on neighbouring development.

The concrete wall proposed along Lane Cove Road (shown in the renderings and western elevation) is not supported. Council will not support the concrete blast barriers fronting the public domain seen at other NextDC sites.

The colour scheme, signage, and form do little to give this important intersection a unique identity. The proponent should offer a revised design which acknowledges the importance of this intersection as a key transport and activity node in Macquarie Park. The colour scheme ought to be reconsidered to take better advantage of the orientation, visibility, and place in the Macquarie Park precinct and reduce the bulk of the proposal.

Council questions the proponent's response to the GANSW Better Placed framework – particularly criteria that pertain to the public domain and the creation of public value. The response mostly comprises motherhood statements that offer little evidence that the proposed use and design advance the Better Placed framework. The proponent fails to indicate how the proposed design advances the objectives of Better Placed through architectural and urban design decisions. Council is particularly concerned that:

1. The proposal does not adequately respond to the Better Fit criterion. The plaza design is impermeable and separated from the metro station. The building design is broadly hostile to its environs. It does little to advance the state government's vision for Macquarie Park under the Place Strategy and rezoning reforms.

2. The Better Performance criterion is superficially addressed. Council knows the challenges that data centres present to water and power supply in Macquarie Park and rejects the proponent's claims that such a project "ensures … minimal environmental impact", given data centres extreme usage of this infrastructure.

3. The Better for Community response fails to demonstrate how the proposal "seek[s] to address growing economic and social disparity and inequity, by creating inclusive, welcoming and equitable environments. Incorporating diverse uses, housing types and economic frameworks will support engaging places and resilient communities." The proposal lacks evidence that demonstrates how the operational and formal limitations of the data Centre type can be overcome to create an engaging and inclusive space adjacent to the metro or anywhere else around the site.

4. The Better for People criterion is only applied to the metro plaza, which has been pointed out to be inadequate and poorly designed.

5. The low volume of retail proposed, and the low number of workers, will mean that this use is not viable in the long term. The result will likely be poor activation outcomes in the long term. The low provision of retail floor area and tenancies fails to redress the activation and human experience shortcomings of Macquarie Park's office park form. Instead, the proposal reinforces the office park form, which goes against the vision for day and night-time activations, retail, and jobs intensification in Macquarie Park advanced by the Place Strategy.

6. The proposal is mostly hostile to its surroundings, failing to recognise the changing urban environment around it and offering little to current and future neighbouring uses. The proposal appears to be designed to look as large as possible along Lane Cove Road. The repetition of vertical elements emphasises the bulk and lack of variety in the proposed form.

Council raises further concerns that the EIS is not supported by a detailed Wind Impact Assessment. Whilst noting the SEARs did not require such assessment it appears to be oversight from DPHI, given that all major developments within Macquarie Park require detailed wind assessments due to Macquarie Parks elevation. With the developments square form and height of 65m, the developments-built form will directly impact wind conditions. The guiding principles setout in the place strategy and rezoning outline careful consideration of the urban expression on wind impacts is considered, particularly if Precinct 4 is to be an 18-hour economy as outlined in the Place Strategy. Significant wind impacts in this location would drastically impact the Precincts ability to deliver an economic environment that is vibrant and engaging.

Notwithstanding this point, Macquarie Park is subject to significant wind impact and large buildings required detailed assessments (pedestrian environment and wind tunnel studies) as per the Ryde DCP 4.5 Macquarie Park Section 9.1. Without an adequate assessment of impact, the consent authority cannot be satisfied that the development impact on wind and the ground plane is acceptable. Given the large unarticulated box form of the data centre, downwash winds are expected to be significant particularly around the proposed urban plaza. Should this occur, it would defeat the purpose of an urban plaza if it's too uncomfortable for usage.

From an architectural and urban design point of view, Council strongly opposes the proposed development, and the development requires considerable revision and reimaging particularly around urban form, landuse compatibility and activation.

4. Strategic Transport

From a strategic transport perspective, Council does not support this SSDA. A data Centre represents a fundamental misuse of this key site in the redevelopment of Macquarie Park.

269 Lane Cove Road is a large site at the gateway to Macquarie Park, directly adjacent to Macquarie Park Metro Station and with busy bus stops on both the Lane Cove Road and Waterloo Road frontages. The proposal represents a missed opportunity to provide for a greater intensity of use in one of the most well-located developable lots in metropolitan Sydney. It fails to achieve the place-making ambitions for the site set out in the Macquarie Park Place Strategy (2022) and the Stage 1 and stage 2 rezoning of Macquarie Park. These plans seek a high degree of intensity and activation at this site, neither of which this proposal provides for.

The proponent has provided insufficient detail on how the dedicated Roads 5 and 13 will function. Road 5 is shown as a cul-de-sac with no driveways, serving no particular purpose except as a turnback and a pedestrian through-site link. If Road 5 is not planned to provide any vehicular connectivity it could be delivered as an activated pedestrian space. The proposed design demonstrates a lack of consideration to the development of this area as the heart of Macquarie Park Innovation Precinct.

Any proposal seeking to redevelop 269 Lane Cove Road should do the following:

- Demonstrate that the proposed development aligns with current planning controls for this precinct; the Place Strategy and Stage 1 & 2 rezoning of Macquarie Park.
- Demonstrate how the development enhances the public domain in line with the intention to develop this neighbourhood as the heart of the new Macquarie Park

- Provide fine grain roads that enhance multi-modal connectivity and improve the experience of using the space as a pedestrian.
- Incorporate and encourage active transport modeshare in line with the positioning of the building next to a metro station and along a planned separated cycle route.
- Include an underground connection to the metro station concourse to facilitate all-weather access and enhance connectivity.

Given the significance of this site, the consent authority should refuse this application as its delivery will undermine the realisation of the endorsed vision for Macquarie Park.

5. Economic Impact

Council notes that the data centre component of the application is currently permitted with consent in the E2 zone, however notes that it's proposed to be prohibited under DPHI reform. Whilst a data centre is currently permissible the land use fails to meet the strategic objectives set by State and Local Government.

From an economic perspective, the development proposed office space is supportable, whilst the data centre use does not contribute to economic growth and function of Macquarie Park as an innovation precinct, nor does it contribute to the 18-hour economy vision set out in the Place strategy.

Innovation Hub (Commercial Floor Space)

- Building A proposed to house a lobby and innovation hub, including an auditorium and training rooms, of approximately 3,192m². Building A will also house NEXTDC and mission-critical office floor space (9,765m²).
- The proposal includes a project objective to:
    - "*Deliver a state-of-the-art development in two stages to meet market demands for data storage facilities with ancillary office and innovation floor space to host industry seminars, conferences and workshops for tenants and clients, other industry partners and stakeholders in government and universities*."
- The Proposal states:
    - "*The innovation hub will include a lobby, a training room, meeting rooms, a boardroom, an auditorium, breakout spaces and technology display areas*."
    - It elaborates that these spaces will be used by NEXTDC, their clients, and other partners for learning and training.
- City Economy welcomes the inclusion of an innovation hub (Commercial Floor Area) and NEXTDC's consideration of the role these spaces can provide to local stakeholders, including businesses, governments, and Macquarie University. City Economy notes these spaces can be utilised for conferencing. The Macquarie Park Innovation District would benefit from additional (and higher quality) conferencing facilities.

NEXT DC and MCX Offices

The proposal notes that 9,765m² of ancillary office space will be set aside for NEXTDC employees and provide mission-critical office space for NEXTDC clients. It is not clear how these spaces will be utilised by either NEXTDC or their clients, noting the below comments regarding employment.

Employment

- The proposal states that the facility will generate approximately 490 full-time employees once it is fully operational. It also notes a further 942 construction jobs will be generated during the construction phase of the project (over 36 months).
- The Proposal suggests that construction jobs will create demand for education and training opportunities for other institutions (e.g. TAFE NSW).

- The proposal lacks details regarding operational Full Time Employment (FTE).
- The Social Impact Assessment rates the proposal's contribution to the activation of Macquarie Park as 'medium-negative'. This section of the SIA considers the public realm and acknowledges stakeholder concerns that data centres traditionally generate low levels of employment [during operations]. The SIA suggests that the provisions for public realm enhancements (i.e. Plaza, linear park) and the lower levels of employment will only facilitate "*some activation of the site*".
- Council seeks greater clarity on operational employment, including:
    - How many people will be employed on-site?
    - What will the average number of employees on-site likely be?
    - What number of employees will new jobs be compared to existing jobs being relocated?
    - Over what timeframe does the Proponent expect to employ the proposed 490 FTE?
- In addition to the above, it is not clear how many people NEXTDC employs. Council would also like to understand the total number of current FTEs NEXTDC has in Sydney and what impact the Proposal will have on this workforce.
- Council notes that NEXTDC's 2023 Annual Report states that NEXTDC has 1,820 customers. Customer growth is a key contributor to NEXTDC's decision to proceed with this proposal. Council would like to understand:
    - How many customers are based in the Macquarie Park Innovation District?
    - How many customers will be connected to this Data Centre across Greater Sydney?

6. Landscaping and Arboricultural

6.1. Deep Soil Area

The architectural plans state there is 21.6% of the site is deep soil area. This numerically complies with requirements of DCP2014 Part 4.5 however a plan is required to show the areas included in this calculation, and that only areas with a minimum dimension of 20m x 10m are included, as required by the DCP is to be provided with the application. The Landscape Plan does include a deep soil plan set, however the dimensions being consistent with Council's DCP is not demonstrated as such it cannot be considered to be compliant.

6.2. Compensatory Tree Planting

The Arboricultural Impact Assessment (AIA) states that 146 trees are to be removed, however only 93 replacement trees are proposed. Additional compensatory tree planting is required, and possibly additional Deep Soil Area to accommodate these extra trees.

The development does not demonstrate consistency with the MPIP design guide section, 6.5. Canopy Coverage and Biodiversity. Specifically, the significant number of trees being removed on the site. The MPIP requires 35% canopy coverage on the site, whilst the EIS states that 27% coverage is achieved. The proposal is inconsistent with the MPIP requirements and should contribute to higher coverage of significant trees, particularly considering the amount of significant trees removed. Council recommends that a 2:1 ratio of significant tree removal to replacement is adopted by the development.

6.3. Waterloo Road Master Plan

The Landscape Architect must demonstrate that the Landscape Plan conforms to the principles of the Master Plan in the Lane Cove Road (East) section.

7. Development Engineering

7.1. Stormwater Management

A review of the proposed civil plans notes:

- The OSD analysis has been undertaken utilising DRAINS software modelling. To ensure the adequacy of this modelling, the data input files must be provided with the results saved for each particular storm event. This will require files run for both the 20%AEP (5yr) and 1% AEP (100yr ARI) storm events.
- The OSD tank for Building B would appear to extend into the future road corridor of Road 13. The encroachment will not be accepted given this imposition on the public domain.
- Both tanks appear to be located in areas intended to accommodate deep soil landscaping and would need to be considered in the assessment of this component.
- Whilst the OSD design parameters are relayed in the report, the plans lack details on the OSD system. Given the crucial nature of these components, it is advised that such details be provided.
- A rainwater tank is nominated for building B yet the location of the tank is not marked on the stormwater plans.
- Council is aware that the data centre operations have a high demand for water in relation to the air conditioning requirements for such facilities. It is advised then that the proposed stormwater system considers this water usage and examine whether this resource can be reticulated and used elsewhere on site.

7.2. Vehicle Access and Accommodation

In regard to vehicle access:

- The exit lane from Building A lacks a sight distance splay on the northern side of the driveway. With a footpath adjoining the building footprint, the arrangement presents a pedestrian safety issue.
- Column locations between spaces 93 to 105 are not compliant with AS2890.1, noting the structural elements adjoin the access aisle however should be setback by 750mm from the edge of this aisle.
- Given the estimated longitudinal grade of Road 13 being in the order of 12.5%, the level driveway ramps being proposed present grade changes that exceed the maximum permitted for service vehicles as required under AS 2890.2. Also, the service vehicle area for Building A is some 1m below the roadway and will require a crest on the driveway to be provided at the boundary alignment prior to descent. To ensure compliance with AS 2890.2, it is advised that driveway ramp profiles be prepared for access to loading bay areas and these profiles be extended along the vehicle path of travel into the road carriageway.
- The plans nominate a "Garbage Truck Loading Zone" on street. Given the scale of development, it is required that such services be contained off the public domain and inside the confines of the site.

In regard to parking capacity, the development provides 105 parking spaces which is technically compliant with the Council's DCP parking limit of a maximum 129 vehicles. This parking however is to be provided in the stage 1 construction, which provides significantly less office space. Accordingly, the application should address this parking surplus at this stage.

7.3. Public Domain Matters

- New road lots will warrant 2.5m by 2.5m splays on the corner of new intersections created.
- The southern end of Road 13 terminates in a dead end and will require a temporary turning head to enable vehicles to safely turn around. Details must be provided.
- The civil plans lack sufficient detail with respect to road longitudinal grades, cross-sections to assess the relation of the public domain to surrounding sites.
- The level of excavation proposed for the new Road 13 is presented as some 1 - 2m. This imposes on the neighboring property requiring that property to excavate to such a level for readily available access to this infrastructure.

8. Sustainability, Resilience and Engagement

Key issues with proposal

- The development conflicts with the State's Government's TOD reforms. This is a prime location for residents to live co-located above the Metro with numerous benefits such as reducing city congestion, emissions and connectivity.
- Prioritising a data centre is not only a significant loss but opportunity but presents a high risk to safety and security for placement of this use above critical infrastructure (the Metro).
- Whilst the Resilience and Hazards SEPP is not deemed to apply at this site, the proposed 1,380kl of combustible liquid combined with 432,000 lithium-ION batteries above a key transportation link appears to be ill considered. Lane Cove Road is a major arterial transport corridor for north/ south Sydney and NSW. Should an issue related to fire or explosion occurs on the site then implications could be as far reaching as major transportation shutdowns impacting both rail and road. This highly incompatible land use could cause major disruptions to the main transport network connecting Macquarie Park to Greater Sydney and an appropriate assessment of risks should be undertaken.
- The location has also failed to consider the view corridor of Ryde coming from north to south where this facade and height (particularly as lit at night) will dominate the city in an obtrusive manner.

Due to all of the above and particularly the risk to community and the city, the development is not supported at this location.

8.1. Biodiversity

Using the 'Precautionary Principle' as quoted by the Proponent below, there should be priority to retain the identified remnant Sydney Turpentine Ironbark Forest identified on the fringe boundary of the site. Given that the location of the buildings is in relatively similar footprint there should be ability for the scale and position to retain these rather than have further loss of this critical vegetation community and particularly given these are in good condition. There is no demonstration that 'avoidance' by design has been undertaken using due diligence in the first instance. The biodiversity report by Ecological notes; "*Measures to avoid and minimise impacts have been applied to the development footprint and 0.06 ha of PCT 3262 will be retained within the subject land"* however details of 'how' and 'what' measures are not articulated to demonstrate this has been adequately assessed through design.

The site will only seek to replant 96/ 146 trees lost which will result in more than 10yrs of habitat and city cooling from the site. There is also one hollow existing that is noted as sustaining habitat. Hollows are listed as key threatening processes to biodiversity as listed in the *Biodiversity Conservation Act 2016* as they can take several decades to mature enough to host habitat. The report did not note that the hollow was in active use but did not provide specifics on the inspection undertaken to qualify this response and so, is considered for relevance and conservation value.

Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion is eligible for listing as

Critically endangered, as the highest threat category met by the community across all categories, under Clauses 4.9 (a), 4.11 (a) and 4.12 (a) because the community has: i) undergone a very large reduction in geographic distribution; ii) experienced a very large degree of environmental degradation; and iii) experienced a very large disruption of biotic processes and interactions. (NSW, Gov 2021).

Whilst the consultant of the report has not deemed the PCT within the site as not meeting the criteria for Federal Government consideration under the EPBC, it is still identified as remnant vegetation of the community and should be considered as such.

All efforts as outlined within the ESD report for ecological sustainable development to apply the Precautionary Principle by which the Proponent claims to be delivering. The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In applying the precautionary principle, public and private decisions should be guided by -

a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
b) an assessment of the risk-weighted consequences of various options.

Council is not satisfied that there has been careful consideration to avoid serious or irreversible damage especially to the Sydney Turpentine Ironbark Forest on the site, and the overall impact to Macquarie Park through the removal of significant trees.

8.2. Community Engagement

Significant number of stakeholders as part of the community engagement have not provided their responses (from March 2024) with some of them being key to understanding the full impacts of the site during construction and long term. The SEAR's mandates consultation with relevant stakeholders to inform the EIS. Given the overall lack of response from relevant stakeholders nominated in the SEARs informing the EIS, the application should not have been accepted by DPHI and the applicant should have undertaken a more considered and informed consultation process prior to lodging.

Council is aware of external stakeholders (Foxtel) raising issues with power outages within the locality. This is of concern given the high volume of power to be utilised on site and over saturation of data centres within Macquarie Park draining the energy network.

8.3. Sustainability

Council is not satisfied that the development aligns with the Sustainable Buildings SEPP requirements, regarding reduction in peak demand through energy efficient technology, reduction in artificial lighting, mechanical heating/ cooling and passive design, RE storage, metering/ monitoring of energy consumption and minimisation of potable water. The proposal does not provide specifics on the installation of renewable energy as per quoted in various proposal documentation and is not considered to be consistent with the requirements of the Sustainable Building SEPP 2022.

8.4. Sustainable Transport

A 60% public transport target is encouraged for the development given the adjoining Metro station for workers to access to / from work. Private transport reduction should be encouraged to reduce single person transport trips and congestion within Macquarie Park.

Provision of EV charging to be provided for on-site use recommending 'EV Readiness' at a minimum for workers and visitors. As aligned to the National Construction Code (NCC), parking spaces in all Class 2, 3, 5, 6, 7b, 8, and 9 buildings (apartments, commercial premises, shops etc.) must be provided with electrical distribution boards dedicated to EV charging. The City of Ryde encourages a minimum of 10% of the total number of all parking spaces in the development.

a) The minimum number of non-private parking spaces for which electric vehicle charging equipment shall be installed will be the lesser of:

    - 10% of the total number of all parking spaces in the development, or
    - the total number of non-private parking spaces.

b) Each parking space for which electric vehicle charging equipment is required shall be supplied by electric vehicle charging equipment with a minimum rated power output of 7kW (32A single phase).

c) Electric vehicle charging equipment installed may include a combination of electric vehicle chargers of different power levels, at the discretion of the developer, subject to the minimum power level noted above.

d) Electric vehicle charging equipment shall be compliant with Australian Standards, marked with Regulatory Compliance Mark (RCM) markings, and shall be equipped with OCPP 1.6J (or higher) communications capability.

8.5. Review of other Documents

In review of **Appendix C** – 'Mitigation Measures' Council raises concerns with the mitigation measure of *"Infrastructure requirements and utilities – 'high usage of water and electricity"* which states:

> *'"High demands reducing the capacity of the estate or precinct water and sewer networks. Mitigation measures to minimise the peak water demand on Sydney Water's potable water network, the preliminary water balance of the proposed site has been undertaken through the use of rainwater re-use tanks and the provision of fire and water storage tanks on site."*

The above mitigation measure does not address how much it will reduce demand, how frequency versus the quantum of ongoing water required to run the site.

One mitigation measure provided is for a 150,000L water tank to supply 15% of the site needs. This is inadequate given the impact of water for the site and long-term use which could provide a much larger tank to support the site. This quoted tank size is substantially different to those outlined in Appendix F Architectural Design Report specifying for each of Building A and Building B, both will provide; above-ground water tanks for industrial water (460kL each) and an above-ground water tank for fire water (350kL each). The number of these to be delivered is not specified in this report.

As DPHI would be aware there is a significant water supply problem facing Macquarie Park, with Sydney Water advising Council there is a lack of water infrastructure to service Macquarie Park. Data centre consume considerable amounts of water further engagement with Sydney Water and additional mitigation measures are necessary
From an infrastructure perspective, the growing presence of data centres in MPID will strain local infrastructure, leading to competition for resources between data centres, businesses, and residents. This challenge for MPID will be a State-wide problem – where data centres will compete

for water and energy during a time when the energy grid is struggling to meet demand as it transitions to cleaner energy sources.

In review of **Appendix F** Council notes that the location and positioning will "Providing district views over Lane Cove National Park with a north-east orientation." This positioning and design including the lighting of the building above and down into the adjoining city and Lane Cove Road, needs to ensure the lit facade does not create visual intrusion along Lane Cove Road and adjoining areas. Other Next DC data centres such as those at Gore Hill are lit with red lighting that is seen as far as Drummoyne impacting the quiet amenity of surrounding residents and views dominating the area. The site should provide passive lighting of the external façade particularly given the location at a higher point in Macquarie Park. Council requests that a sky-line assessment is undertaken for the development, inconsideration of development illumination and visual bulks impact.

Other mitigation measures provide a list of design implementations that could be provided however there are no specifics on these such as the number of these against modelled impacts i.e. through stormwater modelling and use of pits and tanks, solar PV system size, EV chargers to be provided on site. Specifics to be quantified.

The reuse of 'waste heat' in the Social Impact section should be included as a key environmental measure towards reducing emissions and resources. It is listed again, as another item that could be provided but not committed to.

9. Traffic

From a traffic perspective Council has considered the proposal, and does not support the application in its current form, as the following outstanding traffic and parking issues have not been satisfactorily addressed:

1. The peak hour vehicle trip generation rates adopted for the proposed development in the traffic study is based on surveys of the off-street car park servicing an existing data centre in Artarmon. This approach assumes people driving to the Artarmon site are all parking on site, which may not be a realistic scenario, as people could be parking within the surrounding public roads due to potential parking restrictions within the off-street car park. There has also been no consideration given to vehicle trips generated by visitors during peak hour periods. Further, it is unclear if the existing data centre in Artarmon has any work from home arrangements, which can impact on the traffic and parking demand generated by the land use on any given working day. For these reasons, the peak hour vehicle trips adopted in the traffic study for the development appear to be underestimated and therefore fail to capture the likely impact, the development will have on the surrounding road network.

2. The design for the proposed future intersection of Waterloo Road and Road 13 has failed to address the following concerns:

    - Demonstrate that the largest/longest vehicle expected to service the site, being a 19m long articulated vehicle is capable of undertaking turning manoeuvres at this intersection in a safe and efficient manner.

    - During weekday peak hour periods, westbound vehicle queues on Waterloo Road have been observed to extend past Eden Park Drive. There is also an existing bus stop on the southern side of Waterloo Road adjacent to the northern frontage of the site, which accommodates several bus services. The design of the future intersection of Waterloo Road and Road 13 has not demonstrated:

        - How vehicles can efficiently exit Road 13 during weekday peak hour periods.

- How vehicles waiting to turn right into Road 13 from Waterloo Road will not result in queuing back onto Lane Cove Road.
- How to minimise the impact to the operational performance of bus services in the area.

3. Road 13 is proposed adjacent to the eastern site boundary. There is a significant height difference at the southern end of Road 13, which is proposed to connect with Road 6 in the future, in accordance with Council's Development Control Plan. There has been no consideration given to the level differences in the current design for Road 13 and its intersections at Waterloo Road, Road 5 and Road 6, which can impact sight distance, driver behaviour (e.g. does the road alignment encourage speeding) and general traffic safety.

4. The terminating end of Road 13 and Road 5 have not been designed to support the turnaround of a 19m articulated vehicle, which is the largest/longest vehicle expected to service the site.

5. The proposed kerbside loading bay on Road 13 for retail use of Building A is not supported, as all site servicing activities is to be undertaken on site in accordance with Development Control Plan.

Recommended treatments for further investigation (including consultation) by the applicant to potentially address above and the following issues:

1. Extend Road 5 to connect with Lane Cove Road to minimise the traffic impact of the development on the westbound through traffic flow on Waterloo Road during peak hour periods.

2. Relocate existing bus stop on the southern side of Waterloo Road adjacent to the site to the eastern side of Road 13. This measure will minimise the traffic impact of the development on the operational performance of existing and future bus services as well as the westbound through traffic flow on Waterloo Road during peak hour periods.

3. Provide a pedestrian crossing on Road 13 to assist with the safety and efficiency of pedestrians walking to and from the site.

4. Provide adequate loading facilities within the off-street parking area for garbage, delivery and other service vehicles required to support different land uses proposed on site.

5. Ensure that future roads and intersections (e.g. Road 13, Road 5, etc.) are designed in accordance with the relevant Australian Standards, Austroads Guidelines and other relevant technical documentation.

6. Ensure a swept path assessment is undertaken with a 19m articulated vehicle to inform on the appropriateness of the future road and intersection design.

10. Public Domain

1. <u>Pedestrian Access Along Frontage and Connection to Macquarie Park Metro Station</u>

The road reserve along the frontage of the proposed site represents a critical pedestrian thoroughfare and must be upgraded in accordance with the requirements of Council's DCP, Public Domain Technical Manual – Chapter 6: Macquarie Park and the *Macquarie Park Innovation Precinct Place Strategy and Associated Masterplan.* TfNSW should be consulted in regard to requirements for safety barrier fencing or bollards at the back of kerb along areas of

the upgraded frontages.

2. Public Domain Works to Carried Out Along the Development Frontages

Public Domain upgrade Works must be completed along the Lane Cove Road and Waterloo Road frontages of the site in accordance with requirements of Council's DCP, Public Domain Technical Manual – Chapter 6: Macquarie Park and the *Macquarie Park Innovation Precinct Place Strategy and Associated Masterplan.* Public domain works will include but are not necessarily limited to:

- Upgrade of granite footways
- Provision of street trees.
- Provision of lighting upgrade and installation of Multi-Function Pole (MFP) lighting in accordance with Council's schema.
- Street furniture
- Signage and line marking
- Bus Stop upgrades
- Disability access as required under the Disability Discrimination Act (DDA).
- Relocation and adjustment of utility assets as required to deliver public domain works required under the relevant planning guidelines.
- Undergrounding of overhead cables.

3. Subsurface Utility Assets Associated with the Proposed Development

It is anticipated that the proposed development will involve the installation of high volumes of subsurface utilities not only along the site frontages but within the broader vicinity of the site. Council's experience with other nearby data Centre developments has also been that the general disruption to public domain areas through continuing works to install or adjust communications infrastructure continues well beyond commencement of the occupation of the site.

Subsurface utility assets associated with data centres have resulted in the following issues, as experienced in similar projects:

- Large volumes of subsurface communications assets associated with the new data centres developments, being installed at compliant depths, not only along site frontages but within the broad vicinity of the site. This has prevented the delivery of new public infrastructure in accordance with Council requirements, due to the shallow non-compliant depth of newly installed communications infrastructure associated with nearby data centres.

- Ongoing trenching of public infrastructure (both road and footways) associated with additional installations of communications infrastructure associated with the data centres, has caused significant disruption to public domain infrastructure and the community that use the infrastructure.

In order to avoid similar issues, particularly in light of the fact that the pedestrian infrastructure, within the vicinity of this site is critical, Council previously requested information on the proposed management of subsurface infrastructure to be installed and maintained associated with the proposed data Centre, however, this request has not been addressed to date.

It is further noted that there are a range of existing subsurface infrastructure elements, owned by Sydney Metro in close vicinity of the development site which may compromise the depth at which new communications infrastructure is able to be installed as part of the data Centre works. This poses a further risk that new subsurface infrastructure along the frontage or within the broader vicinity of the development site, will be installed at non-compliant depths, impacting current or future public domain infrastructure administered by Council.

This proposal development cannot be supported in its current form as the following issues have not been addressed:

- The Civil Engineering Report, prepared by TTW, dated 18/04/2024, refers to these new roads as 'internal roads' suggesting that they are not intended to be dedicated to Council. Council's Public Domain Technical Manual specifies that these two roads are to become part of the future local road network, while the latest version of the Macquarie Park Innovation Precinct Master Plan, released as part of the Stage 2 Rezoning Proposal, completely omits these two roads. As per comments from Council's Transport team, discussions are ongoing with TfNSW in relation to the connection of new Road No.5 to Lane Cove Road. There is uncertainty over whether the roads will be Council roads and will be dedicated to Council and whether new roads will be connected directly to Lane Cove Road.

- Provide long sections of the two new roads: Road 5 and Road 13 detailing compliant road geometry and proposed connections to existing roads. From the design contours on the submitted civil plans it appears that the proposed road elevations for Road 13 are undulating and may not for compliant road assets. The long sections of the two roads will also be of paramount importance when confirming levels / retaining structures to facilitate access to the new buildings.

- Provide an extended plan view detailing the end of Road 13 and the interface with the neighbouring property. Road 13 must extend to the boundary line to facilitate future connection.

- Provide concept designs of the following intersections: Road 13 and Road 5; Road 13 and future Road 6 (in the neighbouring property); and Road 5 and Lane Cove Road (subject to further determination by relevant authorities).

- The following additional information relating to subsurface infrastructure is required by Council to enable a comprehensive review of factors impacting public domain infrastructure:
  - A report detailing the existing subsurface features and infrastructure within the vicinity of the proposed development. The report should provide conceptual details of the expected volume of subsurface infrastructure that will be installed as part of the development works and how this new infrastructure will interact with existing subsurface infrastructure and conditions, new public domain infrastructure along the site frontages and future public domain infrastructure in the broader vicinity of the development site, including required clearances, and regulations of authorities such as TfNSW, Sydney Metro and utility authorities.
  - A report detailing how installation of the required subsurface infrastructure – not only prior to occupation, but also during expansion of infrastructure post occupation - will be installed at compliant depths and allocated alignments within the verge area to prevent future obstruction to public infrastructure upgrades. The report should also provide conceptual details of how subsurface installation will be managed to minimise the ongoing impact of trenching of public infrastructure and disruption to the community.

- The submitted plans show a proposal for land dedication. The strip of land along Lane Cove Road is to be dedicated to TfNSW. Please show the width of this strip in plan submissions.

- Show any proposed retaining structures required to manage any level differences between Road No. 5 and 13 and the proposed buildings.

- Provide a report considering future pedestrian volumes and management of pedestrian flow within the public domain areas adjoining the site, identifying potential congestion, safety issues and potential mitigation strategies to be considered as part of the public domain works

Conclusion

City of Ryde Council thanks the Department for providing Council the opportunity to comment on the proposed SSD Application.

Council request that the Department of Planning not approve the application in its current form for the number of deficiencies raised in this submission. Particularly as the proposed data centre does not align with the type of land uses suited for this location being a prominent site immediately next to the metro station and is an inconsistent land type compatible with the future character of Macquarie Park.

The proposal will not maximise the number of people directly employed on the site and result in the under-utilisation of the available transport, communications and utility infrastructure which has been provided by government and utility providers at considerable cost.

The Application needs to demonstrate a balanced land use outcome with both commercial and residential, to ensure social, environmental, and economic outcomes are cohesively achieved. The development of a data centre at a location above a metro station undermines the premise of prime the Transport Oriented Development (TOD) proposed by the NSW Gov to try and resolve the housing shortfall.

As outlined above as the Applicant is relying on Clause 6.9 for incentive height and FSR, and the proposal has been designed as such, it is important that the applicant progresses the Voluntary Planning Agreement (VPA) as a matter of urgency. If VPA pathway is proposed, then it is required that a **VPA is finalised prior to the issue of any Development Consent.** A number of issues identified in this report could also be addressed through a VPA. No approval should be granted by DPHI until such VPA has been executed with Council.

Should the Applicant or the Department wish to engage with Council directly on the issues raised above, Council would welcome the opportunity to consult with the Applicant or the Department.

Council **objects** strongly to the application in its current form.

End Submission