

ATTACHMENT 1

City of Ryde Submission Stocklands 1-5 Khartoum Road Macquarie Park SSD Data Centre

SSD-63235720

**Submission Date: 28 March 2025
COR2025/146/1**

EXECUTIVE SUMMARY

Introduction

Thank you for inviting City of Ryde Council to comment on the proposed Date Centre State Significant Development (SSD) Application for the Stockland data centre proposal at 1-5 Khartoum Road Macquarie Park SSD-63235720.

The SSD Application seeks approval for the for the construction and operation of a data center at 1-5 Khartoum Road Macquarie Park.

The proposal involves the construction of a new Data Centre and ancillary office space that is 45m tall. Specifically,

- Demolition of existing two-storey car park and associated structures.
- Site preparation works including tree removal and earthworks.
- Construction and operation of six-storey data centre development, with a maximum height of 45 metres and a combined total gross floor area (GFA) of approximately 19,434m² including.
 - Lobby and ancillary floor space: 6,010m² & Office floor space 830m²
 - Three storeys of technical data floor space accommodating 12 data houses: 12,594m²
- Vehicle access via Road 22 (Murrell Street) with 25 parking spaces to be located within the building footprint.
- Associated landscaping including trees, shrubs and grasses.
- Business identification signage zones.
- Provision of required utilities, including diesel generator back up power system.
- Tree Removal of 64 trees (including 37 trees approved for removal under LDA2024/0199)
- Deep Soil Area 1,070m² (10.68% of site area)
- Estimated Development Cost \$718,259,656

Council notes that the applicant has undertaken detailed prelodgement consultation with Council and have considered the issues prior to lodgement of the application. The applicant's engagement and considered response has resulted in the application been generally supportable.

Notwithstanding, after review of detailed proposal Council's submission has identified a number of issues, that require resolution. Council believes these can be resolved collaboratively between the applicant, DPHI and Council. Council's submission outlines issues and possible suggested revisions/ resolutions.

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

- Clause 6.7 of the RLEP 2014
- Macquarie Park Place Strategy Assessment
- Landscaping and Arboricultural
- Urban Form
- Flooding

It is the view of Council that the proposal, is generally supportable subject to revisions and Council provides it **Comment** on the proposal to DPHI. Details of the issues are included below.

Detailed Consideration of the EIS and Feedback

1. Engagement with City of Ryde Council.

Council notes that the applicant has undertaken detailed and considered engagement with City of Ryde prior to the EIS being submitted. This advice is attached with the application.

The applicant's early engagement with Council has resulted in the application as submitted considering Councils feedback and addressing to matters raised in the EIS. This consultation and feedback process was beneficial to Council, the applicant and the DPHI as the applicant's response has mostly addressed Council's key concerns with the application.

The applicant is thanked and commended for this engagement, as it's an example of engagement done right to resolve key issues prior to lodgement of any application.

DPHI is recommended to ensure other applicants that proceed down the SSDA pathway undertake detailed engagement with Council early on to consider and address issues. Council notes that not all matters have been satisfactorily addressed as outlined in this submission, as such this submission considers the outstanding issues and provides recommendations to address these matters.

2. Clause 6.7 of Ryde LEP 2014

As the site is zoned E3 Productivity Support under the provisions of the RLEP 2014, Clause 6.7 is applicable to the proposal. The Clause states as follows:

- ((1) The objective of this clause is to restrict certain development at the street level for buildings in Zone E3 Productivity Support.*
- (2) Development consent must not be granted for development on the ground floor of a building within Zone E3 Productivity Support if the development would result in any part of the ground floor not being used for business or employment activities, other than any part of that floor used for the purposes of—*
- (a) lobbies for any commercial, residential, serviced apartment or hotel component of the development, or*
- (b) access for fire services, or*
- (c) vehicular access.*
- (3) In this clause, **commercial activities**, in relation to the use of a building, means using the building for the purposes of business premises, community facilities, hotel or motel accommodation, landscape and garden supplies, light industries, passenger transport facilities, timber and building supplies or warehouse or distribution centres.*

It is noted that the proposed development seeks to provide 25 car parking spaces at ground floor level, sleeved behind the built form. The exclusion for vehicular access in the Clause would only include access driveways or vehicle circulation areas and not car parking.

The clause states that Consent must not be granted for development that contravenes its provisions. As a result, the applicant would need to explore other locations for the car parking such as a basement in order to satisfy the Clause.

In response to the above issue is recommended that:

- The Applicant provided basement parking on the site, or;
- It's noted the applicant is preparing multiple applications for a second data centre and build to rent development on the same site (1-5 Khartoum Road). Provision for underground parking can be provided in those applications, that the subject site would benefit from.

Should the above not be resolved and the ground floor be used for purposes not permitted via clause 6.7 the development must not have consent granted to it.

3. Voluntary Planning Agreement and Contributions

The application was submitted prior to the gazettal of the Macquarie Park rezoning and is therefore subject to the savings and transitional provisions. The application seeks to utilise the incentive height and floorspace provisions in the RLEP. Clause 6.9 of the RLEP permits development in accordance with the incentive provisions if the development adequately addresses required open space and access infrastructure. This required infrastructure is identified in Part 4.5 of the Ryde DCP.

The applicant's EIS includes a draft letter of offer. The offer seeks to enter into a VPA with Council to provide a monetary contribution to facilitate development in accordance with the incentive provisions. The monetary contribution is based on Council's published incentive rate and will apply to the incentive floorspace that is sought. This approach is consistent with Council's expectations for development in Macquarie Park.

The offer is currently under assessment and will be negotiated directly between the parties. Once the terms of the offer are agreed, a VPA will need to be drafted and exhibited in accordance with all statutory requirements. As the offer does not seek to exclude the payment of 7.11 contributions, the consent authority (either DPHI or the IPC) is not required to be a party to the agreement. However, the application should not be determined until a VPA is executed.

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.

At a later date Council will provide its recommended 7.11 contribution condition.

4. Macquarie Park Place Strategy Assessment

Council notes that the EIS and supporting documentation is not supported by a Statement of Consistency against *Macquarie Park Innovation Precinct Place Strategy* (Place Strategy) and the *Macquarie Park Innovation Precinct Master Plan* (Master Plan) published on the Department's website on 30 September 2022.

This is required by the *Environmental Planning and Assessment Regulations 2021* under clause 35(2)(h) for all applications within the Macquarie Park Corridor for which the subject application is within, as well as required by the issued SEARs cover letter. The SEARs cover letter dated 17 October 2023 states:

Statutory and strategic context – The EIS must be accompanied by an assessment of the consistency of the development with the Macquarie Park Innovation Precinct Place Strategy and the Macquarie Park Innovation Precinct Master Plan, pursuant to section 35 of the EP&A Regulation.

The EIS states that the site is not within the Macquarie Park Corridor map, however that is not correct. Extract from EIS:

The site is located on land identified within the Macquarie Park Precinct. Accordingly, a consistency assessment against the Macquarie Park Innovation Precinct Place Strategy is not required.

Under the gazetted map (Macquarie Park Corridor Map -Sheet MPC_004), the site is nominated as being within both the Macquarie Park Corridor (Corridor) and Macquarie Park Precinct (Precinct) as shown in Figure 1. The Corridor Map refers to the entirety of Macquarie Park for which the Place Strategy and Master Plan was prepared for, whilst the Precinct Map refers to land that benefits from

the Ryde Local Environmental Plan 2014 (RLEP 2014) incentive bonuses under the now Part 7 (Previous clause 6.9) of the RLEP 2014.

As demonstrated above, to resolve the matter the following is required:

- The Applicant is to provide a detailed statement of consistency with the application against Place Strategy and Masterplan.

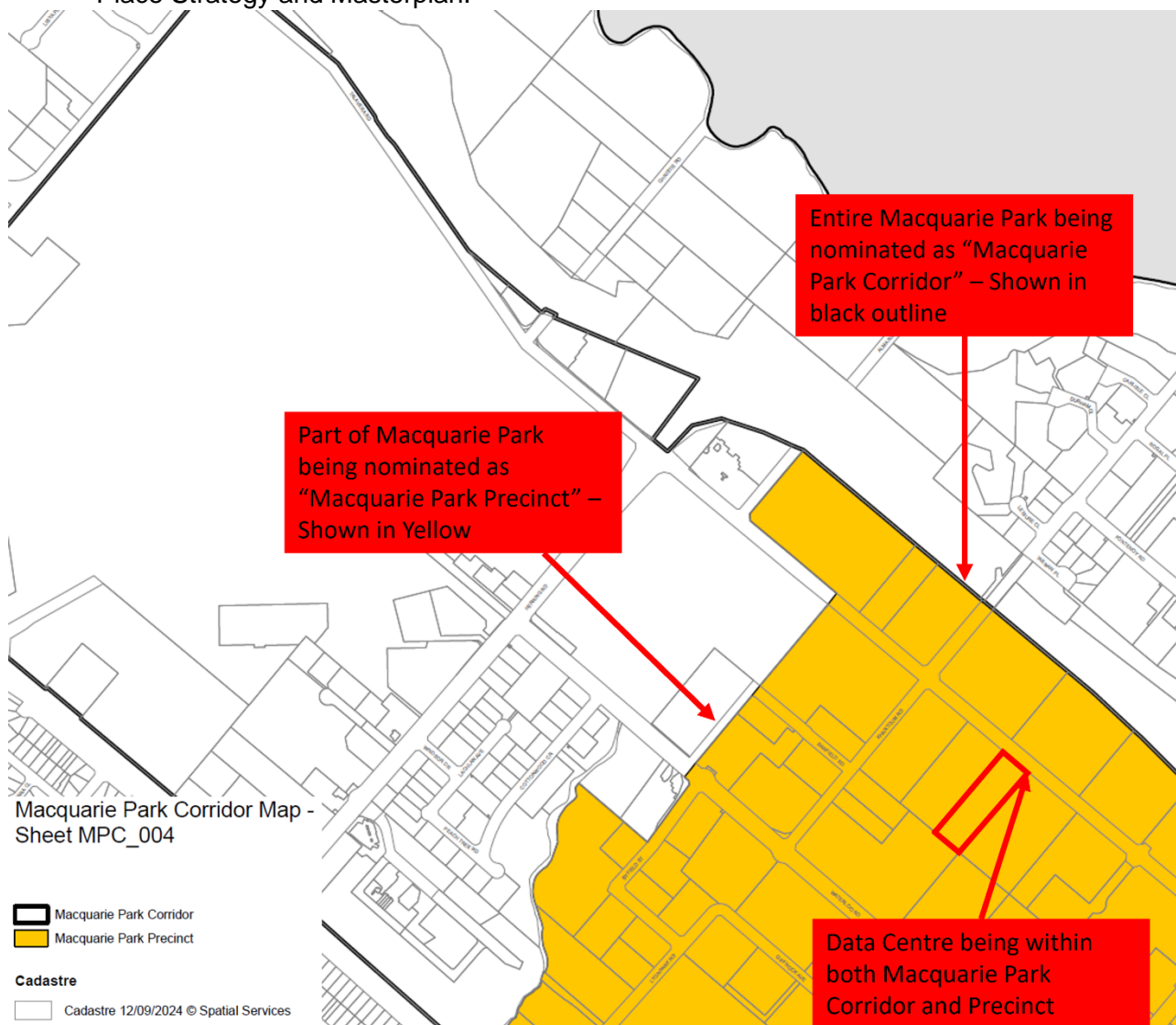


Figure 1: Markup of Macquarie Park Corridor Map (Base Source: RLEP 2014 PMC_004)

5. Urban Design and Form

As Council outlined in its Pre-EIS advice, Council raises concerns with the application urban design and built arrangement outcome, particularly as it relates too:

- Security Fencing and Public domain interface

In response to the above issues, Council offers the following comments and solutions.

Security Fencing and Public domain interface

Council does not support the installation of security fencing to the perimeter of this development (or any development within Macquarie Park) which presents as a hostile interface with the public domain. The design should be developed to:

- The proposed 2.4m high Palisade fence in a straight line will dominate the streetscape. This should be removed from the proposal.
- The Applicant should consider stepping sections and landscaping, colour and to soften to achieve a safe and convenient pedestrian environment that encourages public transport use and social interaction, rather than proposed security fencing.

If the security hardening of the data centre was shifted to the wall, there is no need for perimeter fencing, this would result in the following improvements with the design:

- Issues with trees compromising security are eliminated, permitting additional tree planting close to the building and property boundary.
- Urban streetscape is improved as the visual impact of security fencing is eliminated, and property delineation can be realised using more subtle measures.
- The built form impacts of the data centre can be screened.
- An improved pedestrian experience that is less hostile to the wider community.

6. Landscaping and Arboricultural

The proposed development requires the removal of 64 trees however the proposed Landscape Plan only proposes 30 replacement trees. The Macquarie Park Place Strategy requires a minimum of 2:1 tree replacement ratio. Therefore, the proposed development requires 128 replacement trees, 98 trees less than required.

Tree canopy coverage below the design guide target compromises Council and Government efforts to reduce urban heat island and improve biodiversity outcomes in Macquarie Park. Council's preference is for tree canopies to be maintained and enhanced within Macquarie Park and there be no net loss of tree canopy coverage.

To ensure that no net loss of canopy coverage occurs, the following is recommended:

- The Applicant must provide a Landscape Plan for the whole site (1-5 Khartoum Road) showing how the required number of replacement trees can be provided when the whole site is redeveloped; or
- DPHI impose a suitable condition of consent of tree replacement planting, as shown below:

Tree replacement plantings are to be undertaken on a ratio of 2 to 1. Where replacement trees cannot be planted on the site, prior to the issuing of a construction certificate, the Applicant to pay a fee to City of Ryde Council for each tree planting to occur on private land, equivalent to that identified in its Fees and Charges Schedule for the purposes of planting a tree on Council Land.

Council's preference for distribution of trees across the site to reduce urban heat island and improve ecological connectivity.

7. Sustainable building outcomes

City of Ryde Council is committed to ensuring development contributes positively to sustainable building outcomes to ensure long terms benefits for the wider community. In review of Appendix HH – Its noted that the development suggests the following for energy efficiency:

Energy use – Designing to a PUE of 1.35 compared to an industry average of 1.59 results in over to 15% savings in energy use, which also equates to 15% in Greenhouse Gas Emissions. In addition, the energy and greenhouse gas emissions targets are embedded within the NABERS Energy rating tool. The development is targeting a 5-star NABERS Energy rating for the data centre component, with the office component targeting an equivalent 5.5 star rating.

Council notes that the Macquarie Park Design Guide part 6.2. Greenhouse Gas Emissions and Energy provides sustainable targets in Table 5, Which outlines sustainable rating targets the development should achieve. Based on review of the EIS, the applicant falls short of the requirements outlined in table 2. Given the number of data centres within Macquarie Park and their impact to both energy and water, which is in short supply in Macquarie Park. Strictly complying with these rating and exceeding where possible is required. Council recommends that:

- The development should achieve a *Green Star* sustainable initiatives
- NABERS ratings outlined in Table 5 are complied with (at minimum)
- The development demonstrates how it achieves a net zero initiatives

Table 5. Sustainability Rating Targets

Development Type	Rating Tool	Rating Type	Target Rating
Public domain	Green Star	Communities	6 Star
All New and Refurbished Commercial Buildings	Green Star	Buildings	6 Star
	NABERS	Energy	6 Star
		Water	5 Star
		Waste	5.5 Star
	WELLS	Core & Shell	Silver
Shopping Centres	Green Star	Buildings	5 Star
	NABERS	Energy	5 Star
Hotel	Green Star	Buildings	6 Star
	NABERS	Energy	4.5 Star
		Water	4 Star
Multi-Residential Buildings	Green Star	Buildings	5 Star

Figure 2: Table 5 from Macquarie Park Design Guide

8. Environmental Health

Council has considered the proposal from several environmental health perspectives and is generally supportive of the application subject to conditions. Council has provided recommended conditions to address these matters.

Council notes that in its Pre-EIS advice, it raised concerns with cumulative impacts with the agglomeration of data centers within close proximity to each other. The Applicant has suggested

they would agree to a condition of consent that requires the preparation of a cumulative risk analysis and action plan prepared in conjunction with adjoining data center owners. This is supported and DPHI is recommended to impose a condition of consent regarding this matter.

Council notes that a recent pollution event investigated by Council at a data centre in the LGA revealed a significant pollution event as a result of a diesel spill from a diesel generator that ruptured on-site.

The event revealed that the site potentially had insufficient design measures to prevent the pollution entering the stormwater system. Considering the proximity of this proposed development to the Lane Cover River, we will require the following:

- Details of stormwater pollution prevention devices installed on the site in respect to any fuel storage, including but not limited to sufficient bunding, stormwater shut off valves, first flush systems, storage tanks.

The above information should be provided to Council in any RTS Response and DPHI is recommended to consider this matter and propose suitable conditions of consent to satisfactorily address the matter to prevent mass pollution events damaging the local eco-system.

9. Development Engineering

9.1. Stormwater Management

Council's Pre-EIS advise required that the development implement an onsite detention system (OSD) designed in accordance with Council's detailed design methodology specified in the DCP, as well as, water sensitive urban design (WSUD) components. A review notes;

- The design of the OSD system looks acceptable in principal.
- The stormwater plans remain very conceptual and there is not sufficient detail to conclude whether the OSD system will function accordingly.
- It is of concern that the storage is located inside the building footprint does this compose some risks should the storage become blocked or overflow. It will be necessary to ensure that there is provision for an external failure mode to be provided for in the design and this is addressed by condition of consent.
- The WSUD elements incorporate a water quality treatment device which is located in the northwestern corner of the property. Access to this component for maintenance is likely be logistically difficult due to the presence of the boundary fence and the distance from vehicle access areas. It is possible the maintenance could be done manually, and this could be covered by councils' condition of consent concerning maintenance of the drainage system.

Council's provided conditions of consent consider and address the above concerns. Should DPHI adopt Council's recommended conditions, the matter is generally supportable from a stormwater perspective.

9.2. Vehicle Access and Accommodation

As outlined in Council's EIS submission, Council raised concerns with vehicle entry points which remain unaddressed. Council's advise stated:

- *Both vehicle entry points have a gate adjoining the road boundary alignment and therefore will result in vehicles having to stand on a public road waiting to enter the site. Any traffic control mechanism must be positioned such to accommodate the largest vehicle wholly off the public domain.*

This has not been addressed in the current EIS. To resolve the matter, Council has provided a

recommended condition of consent. Please refer to the Councils recommended conditions for conditions of consent, which will be provided separately to this submission.

10. Flooding

Council has reviewed the Flood study report (Revision B) prepared by Northrop Pty Ltd dated 23 January 2025. Council's EIS advice required that the applicant provide details of their flood modeling files to Council, which has not been received. As such as a part of any RtS, Council requires the following details provided:

- Electronic copies of the Hydraulic model (TUFLOW) shall be submitted to Council.
- Full electronic copies of executable TUFLOW modelling file compatible with QGIS software (including batch file for run and flood difference file) clearly identifying each scenario shall be submitted to Council for further assessment. Electronic copy of modelling results for pre and post development scenario for velocity, depth, flood level, VxD and VxD afflux, flood level afflux for 1% AEP in .asc format shall be submitted.
- The pre and post development flood levels are to clearly be shown, inside the property and inside the neighbouring properties.
- VD product (Velocity x depth) of overland flows to be supplied and, if increased inside the development, restricted to below 0.4 m² /s. VxD map to be included in the Flood Study, including neighbouring properties (no increments in VD product is allowed inside the neighbouring property). please note that VD maps and VD afflux maps for pre/post development conditions for 1-100 year ARI flood and PMF are missing from the report.
- The obtained Flood levels (Flood Levels Certificate) used to calibrate the model to be attached to the report.
- Flood level must be shown clearly inside and outside the development site, including neighbouring properties with 0.2m contour interval. Flood level afflux map must be shown clearly inside and outside the development site for 1% AEP flood event at 10-20mm interval, VxD maps at 0.2m²/s interval and VxD afflux map at 0.04-0.05 m²/s interval in the flood report. Please describe the flood level impact and VD impact inside and outside the development site due to proposed development in the report.
- Any cut and fill to be indicated in the flood model.
- Identify all proposed basement openings and/or other openings leading to the basement. Demonstrate these openings would not be inundated during PMF flood event (certified by a flood engineer)
- Please note that the freeboard requirements of City of Ryde DCP must be incorporated in the design and flood barriers do not substitute of meeting the minimum floor levels requirement.

In review of Appendix BB Flood Impact Assessment, Council raises the following concerns to the flood facade:

- It appears that the protection measure of the development is solely relying on the flood façade on the eastern side of the site.
- Can the applicant details of the flood façade and clarify if a kerb ramp is used to divert the water from the building?
- Council requires detailed information on the proposed flood façade and its impact on flooding behavior and adjacent properties.

It appears that the post development scenario increases the flood depth in the neighbouring properties excessively as shown below:

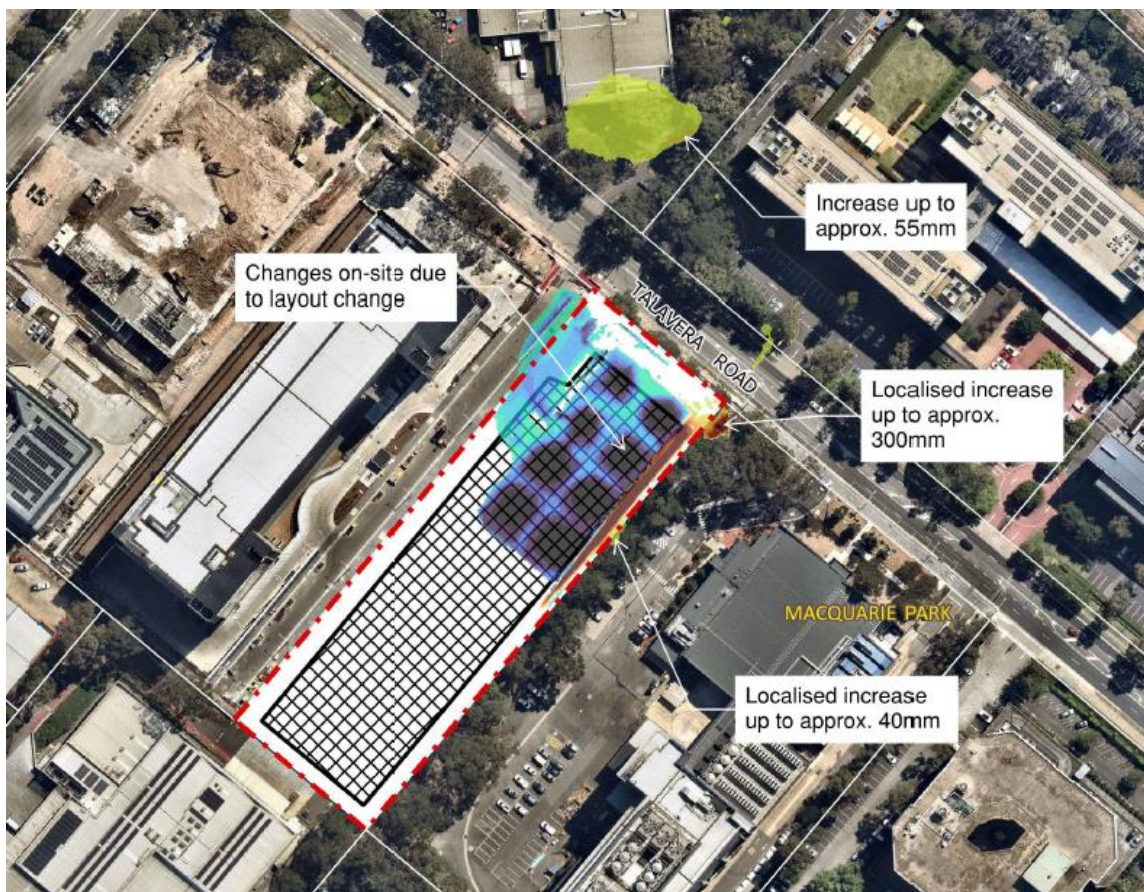


Figure 3: Extract showing excessive flooding figure C2 (Source: Northrop)

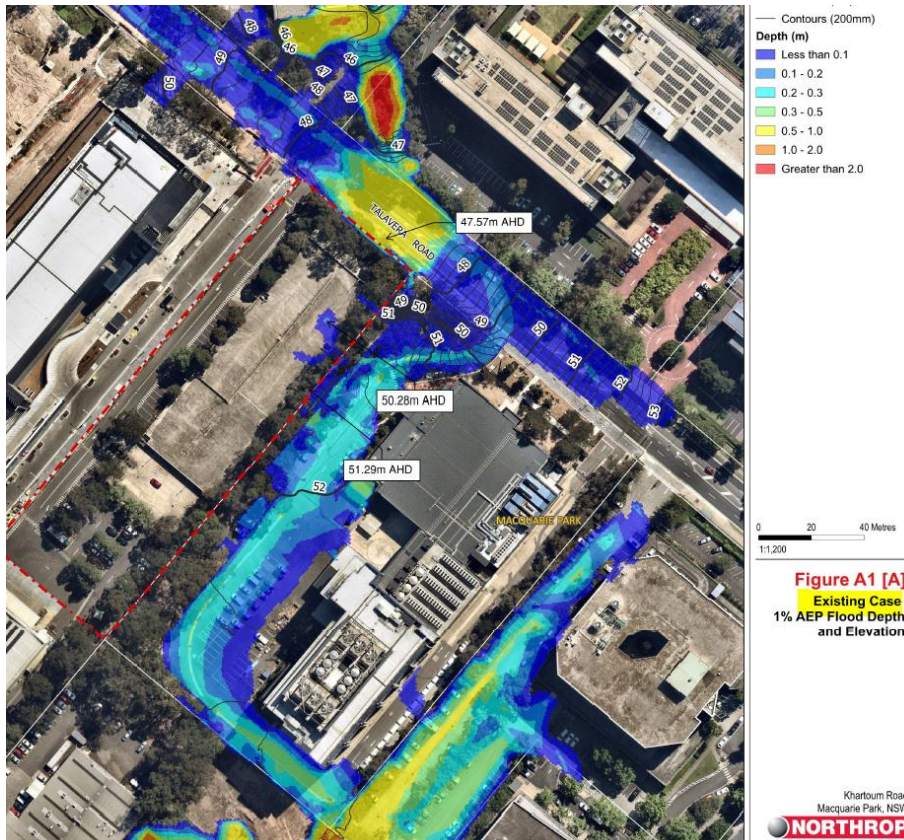


Figure 4: Flooding impact on Talavera Road (Source: Northrop)

Resolution to the above issues

Due to flooding in Talavera Road and the sites' location, and the developments footprint exacerbating flooding conditions, Council suggests to effectively resolve these issues that the applicant address and provide the following information:

- A detailed Drainage/Stormwater Management Plan to be provided that considers:
 - The proposed method of site drainage to be shown.
 - The proposed connection details, including the pit and pipe, must be clearly indicated on the plan.
 - Note above comments regarding flooding models to be provided
- To minimise the flooding impact within Talavera Road, the applicant will be required to upgrade the adjacent drainage network as shown in Figure 5 :
 - Notably, the adjacent development at 17-23 Talavera Road has already upgraded the upstream drainage pipe. Without similar improvements, the proposed development may create a bottleneck in the area and adverse flooding conditions.
 - Council will provide a detailed condition of consent requiring the above be completed.
- Drainage network capacity analysis must be demonstrated to ensure the proposed development can be effectively drained and managed via the downstream drainage network.
- Provide details and information on the proposed flood façade and its impact on neighbouring properties.

To resolve the identified flooding concerns detailed engagement with Council is required.

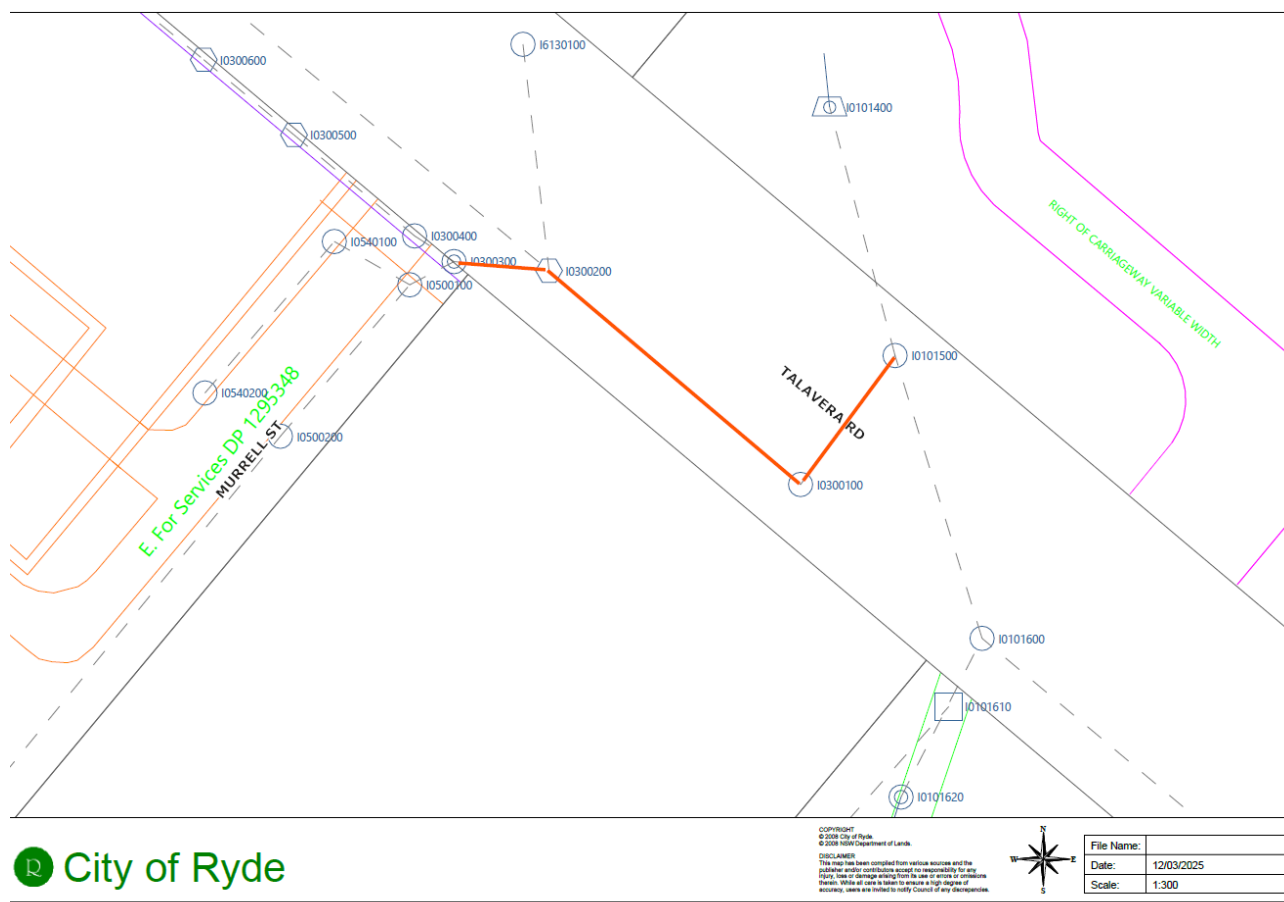


Figure 5: Stormwater Pipe to be upgraded shown In orange (Source: City of Ryde Council)

11. Traffic

Council has considered the traffic report provided and is generally supportive of its conclusions. Council notes that the applicants detailed engagement with Council on this matter has led to the applicant considering and addressing Council's feedback in the EIS Submission. Council is supportive on the following matters:

- The TAIA report estimates that the proposed development data centre would have a low traffic generation of some 10 to 15 vehicles per hour two-way during the morning and afternoon peak periods given that data centres have relatively low staffing levels and that the proposed development will have a parking provision of only 25 parking spaces.
- The TAIA report also indicates that By comparison, the existing 360 space structured car generation compared to the proposed development.
- The TAIA report finally concludes that the proposed data centre would result in a reduction in traffic generation and the intersections of Talavera Road/Khartoum Road and Talavera Road/Lane Cove Road would therefore continue to operate at the same or better levels of intersection operation during the morning and afternoon peak periods.

Council notes that Road 22 will be connected to Road 1 in the future. It is understood that Road 1 will be delivered in the future stages of the subject site redevelopment. As a result, it is considered that the construction of Road 1 and Road 22 intersection is out of the scope of this development.

To ensure that Road 1 will be delivered as apart of 1-5 Khartoum Roads future staging Council requests that commitment of this being provided in other stages is provided by the applicant.

Based on the above discussion, Council no objection to the development from a traffic perspective and separately will provide detailed recommended conditions of consent to address matters.

12. Public Domain

City of Ryde Council approved LDA2024/0255, which is for Torrens Title Subdivision of an existing one land lot into two and minor services works. Consent Condition 8 specifically imposes for future development applications a land dedication to Council at the two corners of the north-western boundary (of the newly formed rectangular lot) – for the accommodation of the intersection of Road 22 (Murrell Street) with the future extension of Road 1 – see below:

“Prior to the issue of any Occupation Certificate for future development applications involving a new building or structure, 2 x splay corners shall be created and dedicated to Council as public road along the north western boundary of proposed lot 21, near the intersections of Talavera Road and future Road 1.

The corner splays to be provided at minimum 3m x 3m along the Murrell Street boundary to be identical to those currently dedicated as part of Lot 2 DP 1286145.

Evidence regarding effective registration of the land dedication shall be submitted to Council and the principal certifier prior to the issue of an Occupation Certificate for any future development on this lot.

As SSD-63235720 is the future application relating to condition 8 of LDA2024/0255, DPHI will need to impose a condition of consent consistent with the above condition that requires the dedication and creation of the road splay. Council will provide a recommended condition of consent separate to this submission requiring the above.

Conclusion

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

Council is generally supportive of the application subject to receipt of further information outlined in this submission. Council will be able to provide recommended conditions of consent to DPHI at a later date.

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) and that the application not be determined until such agreement is finalised.

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 **comments** as outlined in this submission should be considered by the Applicant and DPHI

End Submission