

ATTACHMENT 1

City of Ryde Submission 6-8 Julius Avenue North Ryde - SSDA Julius Avenue Data Centre

SSD-80018208

**Submission Date: 27 August 2025
COR2025/262/1**



EXECUTIVE SUMMARY

Introduction

Thank you for inviting City of Ryde Council to comment on the proposed Julius Avenue Data Centre, a State Significant Development Application (SSD-80018208) for the site known as 6-8 Julius Avenue North Ryde and legally described as Lot 89 DP 1082131.

The SSD Application seeks approval for the for the construction and operation of a data center at 6-8 Julius Avenue North Ryde. The proposal involves the construction and operation of a new data centre on the Site (to be known as the Julius Avenue Data Centre) that comprises the following elements:

- Site preparation works;
- Earthworks and additional site retaining works;
- Infrastructure comprising civil works and utilities servicing;
- Construction of a 115MW data centre across 7 storeys plus a basement level;
- Construction of a separate enclosed generator gantry building behind the data centre across 6 storeys plus a basement level with bulk fuel tanks;
- Provision for a future Ausgrid precinct-wide 132 kilovolt (KV) Sub transmission Switching Station (STSS);
- One (1) new public access road along the southern part of the Site;
- Two (2) new pedestrian through-site links connecting Julius Avenue to the southern bushland; and
- Complementary landscaping and offset planting.
- Security fencing for the site comprising 2400mm high spear top palisade fence and a 1500mm a simple wire mesh fence along the Julius Avenue frontage.
- A summary of the tree removal and retention is outlined below:
 - Retain: A total of 38 trees are proposed for retention (not including trees within the dense bushland area)
 - Remove: A total of 509 trees (in 188 tree groups) are proposed for removal.
- The landscaping strategy proposes:
 - A total of 143 new trees and 38 retained trees, not including the existing trees in the bushland area;
 - Various bushland regeneration areas;
 - 7,203sqm or 25.16% of the Site area as canopy cover;
 - 9,196sqm or 32.12% of the Site area as deep soil landscaping;

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:

- Engagement with City of Ryde Council.
- Contributions and Public Benefit
- Urban Design and Planning
- Ausgrid STSS

- Trees, Bushfire and Biodiversity.
- Development Engineering
- Flooding
- Public Domain
- Traffic, vehicle access and parking
- Environmental Health

It is the view of Council that the proposal, requires further revision and amendments before Council is able to support the development. Council believes the issues raised can be resolved collaboratively between the Applicant, DPHI and Council. Council's submission outlines issues with suggested revisions and/or ways to resolve issues that the Applicant is encouraged to consider and adopt.

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 Council's feedback and addressing 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.

Council has attached its previous advice at Attachment 2.

2. Contributions and Public Benefit

2.1. Contributions

The *Macquarie Park Section 7.12 Contributions Plan 2025* applies to the land. A contribution will be required in accordance with this plan and is calculated based on 1.5% of the cost of development.

Council notes that the application does not propose the STSS and suggests that it will be done under separate application. Council's submission will outline that Council does not support the STSS being left to separate application and that the application must be amended to include the STSS.

The applicant must provide an updated EDC report that values the STSS. Once an updated EDC report has been provided Council will be able to draft a 7.12 contribution condition for DPHI. The revised EDC report can be provided to Council under separate cover.

2.2. Draft Letter of Offer

Appendix 31 of the EIS contains a draft letter offer to enter a VPA with Council (dated 24 June 2025). Council's pre-EIS advice outlined what matters Council would consider in a proposed public benefit offer, all of which have been ignored in the applicant's proposed public benefit offer.

The proposed offer is not supported and requires further engagement with Council. Council will discuss the offer directly with the applicant to resolve the issues and will require an amended letter of offer.

2.3. Comment on current offer

While Council is generally supportive of a VPA to address the requirements of clause 7.7 in RLEP, the proposed calculation of monetary contributions and suggested offsets are not supported.

The proposed offsets do not provide a broader public benefit and cannot be accepted to reduce the applicable monetary contribution. Any offsets for these proposed works will result in adverse impacts to access network and recreation outcomes throughout the Macquarie Park Precinct.

The consent authority cannot be satisfied that the requirements of clause 7.7 have been addressed until the offer has been amended to reflect Council's concerns and a VPA has been agreed between the parties.

The Macquarie Park incentive scheme has been operating since 2014 and is the primary mechanism to deliver the fine grain road network and recreation areas in the precinct. The scheme allows the provision of a monetary contribution (calculated in accordance with the incentive rate in Council's adopted Fees and Charges) to utilise the incentive height and FSR provisions of RLEP.

Where certain recreation and access infrastructure (identified in Part 4.5 of the Ryde DCP) is directly provided by a development, the monetary contribution may be offset by the value of this infrastructure. Any offsets for infrastructure that does not provide a broader public benefit will reduce Council's availability to deliver the necessary access and recreation infrastructure across the precinct. The identified infrastructure has been considered in the recent rezoning of the Macquarie Park Precinct and has a clear and demonstrated public benefit.

The importance of the incentive scheme for delivering the identified access and recreation infrastructure is recognised in DPHI's Macquarie Park Infrastructure Delivery Plan (IDP). The IDP relies on the continued operation of this scheme to deliver infrastructure across the precinct including centralised local open space, the delivery of the fine grain road network and road widening works (including the widening of Julius Avenue opposite the development site).

The proposed offsets on the site do not provide a broader public benefit that outweighs the benefits of the identified items. The proposed offsets are inconsistent with the IDP and, if accepted, will undermine the delivery of infrastructure across the precinct. The following aspects of the Applicants offer are not agreed.

Incentive contribution rate

The letter of offer has not been submitted to Council and was identified during the public exhibited of the EIS documentation which commenced on 31 July 2025. As of 1 July 2025, the incentive rate in Council's adopted Fees and Charges 2025/26 is \$500/m². This rate must be applied in the calculation of the applicable monetary contribution.

Proposed offsets

The letter of offer seeks an offset to the monetary contribution for the value of works and easements to be delivered on privately owned land. The offer values these works at \$8,753,638. However, these works are not identified in the Ryde DCP and do not provide a broader public benefit that justifies an offset to the monetary contribution.

Neither the Ryde DCP nor DPHI's Macquarie Park Design Guide identify any required recreation infrastructure on the site. The strategy for delivering required recreation infrastructure in Macquarie Park focusses on centralised open space and community facilities at key locations throughout the precinct. The provision of these identified recreation facilities will be funded by Council using monetary contributions received under the incentive scheme.

The offer proposes an offset for the following recreation works on the site:

- Recreation works and easement fronting Julius Avenue
- Construction of recreation area (lookout) and easement on eastern boundary
- A boardwalk connecting the future internal road to the National Park at the rear of the site.

These works are proposed on privately owned land and do not provide a broader public benefit to anyone outside of the development site. The property is already subject to an easement for recreation purposes and a right of carriageway which provides access to the National Park.

There is no public benefit in providing an additional connection on the same property, particularly if this additional connection will jeopardise the delivering other necessary recreation infrastructure throughout the precinct.

Additionally, the proposed boardwalk to the National Park is located adjacent to the future 132 kilovolt switching station. This will eliminate any potential amenity of a boardwalk in this location. Recreation works on privately owned land will create ongoing operational, maintenance and liability issues. These spaces are also likely to be inconsistent with CPTED principles and will attract anti-social behaviour, particularly the spaces directly adjacent to and hidden behind the future seven-storey building. This is not a public benefit.

The offer proposes an offset for the following access network works on the site:

- Construction of footpath upgrade and easement from Julius Avenue (along western boundary of site)
- Construction of footpath upgrade and easement from Julius Avenue (along eastern boundary of site)
- Construction and easement over a new east-west section of road on the site.

The Ryde DCP does not identify any access network infrastructure to be provided on the site. The Design Guide identifies a new section of local street (14.5m-wide) bisecting the property in an east-west direction.

Council previously advised the applicant that this new road is not required for broader precinct connectivity and should not be dedicated to Council. It connects two privately owned sections of driveway and is only required to service the development site. It provides no broader public benefit. Council's advice on the future ownership of this road is used by the applicant to justify a reduced road design that is inconsistent with the requirements of the Design Guide. No offset can be provided for access infrastructure that does not provide a broader public benefit, particularly if it has not been designed in accordance with the requirements of the Design Guide.

The proposed offsets have no broader public benefit, and if accepted will result in a shortfall in monetary contributions to fund the required infrastructure across the precinct. Any offset will have a detrimental impact on the access and recreation outcomes of the Macquarie Park precinct and will not satisfy the requirements of clause 7.7 of RLEP.

The offer must be updated to:

- reflect the current incentive rate of \$500/m²
- remove any offsets for proposed recreation and access infrastructure on the site
- require payment of the monetary contribution prior to the issue of a Construction Certificate.

Once an updated offer is received and agreed by Council, a draft VPA can be prepared and exhibited concurrent to the assessment of the application.

3. Urban Design and Planning

3.1. Building scale and bulk

The proposed building bulk and scale are not responsive to the local character, particularly the natural bushland environment of Lane Cove River Reserve. It also significantly impacts the views and vistas from public domain and waterfront area. Council has raised concerns regarding the following photomontages of the selected viewpoints presented in the Visual Impact Assessment Report.



Figure 1: Extract showing View points 12 & 16

The photomontage of Viewpoint 12 & 16 indicates a significant change of view and streetscape of Julius Avenue, particularly the loss of the view to sky and long-distance vistas for pedestrians due to the proposed building bulk.



Figure 2: Extract showing view point 9

The photomontage of Viewpoint 9 highlights the significant visual impact on the daily views and experience of local workers and visitors. It also reveals an undesired interface between the proposed building and the bushland.



Figure 3: Extract showing View point 23

The photomontage of Viewpoint 23 indicates the significant visual impact on the public domain of Lane Cove Vally Walk.

Recommendation

Council notes that the built form is driven by operational requirements associated with a data centre, however the applicant can introduce particularly on the Julius Avenue frontage a built form that adopts increased building setbacks or introduce a podium elements.

Additionally Visual Impacts would be greatly reduced if a revised colours and material pallet was considered that was sensitive to the surrounding national park.

The Applicant is to demonstrate the design considerations and solutions to reduce the building bulk and the visual impacts, as well as the interface with public domain and bushland. Wider setbacks along Julius Avenue are also encouraged to mitigate the impacts

3.2. Façade and material

The façade design strategy and material selection should respond to the local character and context. Council is concerned that the reflectivity of the proposed polished metal cladding on the expansive blank wall along the Julius Avenue may negatively impact on the neighbouring buildings as well as car drivers and pedestrians. Additionally, the western façade with the same material is likely to affect the building at 10 Julius Avenue

Recommendation

It is recommended that the applicant revisit the façade strategy and material selection to ensure a contextually responsive design outcome, mitigate visual impacts, and reduce the risks associated with reflectivity. Any RtS response should include a reflectivity assessment to demonstrate the proposed façade is suitable.



Figure 4: Extract Showing Proposed facade

3.3. Security Fencing

Council notes and acknowledges the applicant reduction and revision of security fencing particularly reducing the extent and size of facing along Julius Avenue to a 1.5m height and providing a security fencing that is low scale and more compatible in visual terms (mesh).

Security fencing at the rear of the site interfacing the proposed access road can be considered given its level below street level and it not being visible from the street. It's recommended that any fencing in this location is pushed up against the buildings façade.

Council notes the remaining security fencing strategy for the site and the proposed fencing generally aligns with Council's Pre-EIS advice and is supportable. The Applicants strategy at reducing fencing height and visual impact at key contributory frontages whilst still achieving the requirements of a hyper scale data centre demonstrates how other data centre applications within Macquarie Park can do the same.

3.4. Visual Mass and reduction strategy

Noting the location of the STSS in the landscape buffer, it is important for the impacts of this facility to be minimised. Council considers that the current location, requiring over 4 metres of fill adjacent to the existing Great North Walk access track, and its exposure from above ground creates an unnecessary visual impact.

To assist alleviate the visual mass and bulk of the STSS protruding from the ground, Council suggests that public art be incorporated into the STSS. Council's DCP 4.5 requires public art to be provided in all applications in Macquarie Park. Public Art can play an important role at reducing the STSS visual impact on both the landscape setting and the future pedestrian interface.

To alleviate the STSS visual impact as a result of its bulk and scale the following items are recommended to be considered:

- Use public art to screen the STSS
- Have the STSS incorporate a public art mural/ painting
- Any public art can play an important role demonstrating connection to country and being visually sensitive to the ecological setting it is within

It is recommended that the RtS submission include details of mitigation measures that reduce the visual mass of the STSS, and include details of proposed public art.

3.5. Ground Floor Development in land zoned E3

As the site is zoned E3 under the RLEP 2014, Clause 6.7 applies to the development. Clause 6.7 of the RLEP 2014 is a precondition to granting development consent, that requires the ground floor of a development be used for commercial activities.

Based on the applicants plans, the applicant satisfies this precondition as the ground floor of the development is being used for commercial activities. It's noted that all parking is provided in the basement therefore the application satisfies the pre-condition of consent.

3.6. Existing consent that applies to the site

Council notes that the site has an activated consent known as MOD No.1395/1999 that applies to the site. Should DPHI be minded granting consent to the proposed SSD application, the applicant would be required to surrender MOD No.1395/1999 in accordance with Clause 67 of the *Environmental Planning and Assessment Regulations 2021*.

For any component of the commenced development a notice of surrender is to be provided to the Council in accordance with the EPAR 2021 requirements. Council will provide a recommended condition of consent at a later date on this matter.

4. Ausgrid STSS

4.1. General Comment

Council notes the SEARs item 22, which includes the requirement to “identify any infrastructure required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained.”

The proponent therefore needs to demonstrate that the STS can ‘work’ in the proposed location as part of its EIS, noting that the details of the STS development of the would be assessed under Part 5 of EPAA, with Ausgrid as the proponent. The material provided to date does not make it clear:

- How the facility will be maintained post-construction, particularly how design vehicles can access the STS for heavy maintenance such as transformer replacement.
- Utility high voltage power lines through the site and access arrangements to permit maintenance and renewal of these lines in the long term.

Based on the information provided with the EIS, Council is not satisfied that the STSS is suitable in its proposed location or how its operations will impact the surroundings. Particularly Council raises concerns with the indicative location of the STSS and its impact on ecological values on the site. Council notes that the development involves significant vegetation removal, with the predominate removal associated with the STSS.

For Council to consider the removal of this vegetation it would be anticipated that “development” would be proposed that would justify its removal.

4.2. Approval Pathway

Council notes that the proposed STSS is generating significant environmental impact whilst not technically proposed under the subject application. It is understood that the STSS is being proposed by Ausgrid under Part 5 REF.

Due to the impact of the STSS, for the consent authority to be satisfied of the proposed development Council seeks that the STSS be proposed with the Data Centre application, as the Data Centre heavily relies on the STSS being active and operational for the Data Centre to be operational.

Regarding the STSS, Council reiterates the principles of *Bingman Catchment Landcare Group Incorporated v. Bowdens Silver Pty Ltd [2024] NSWCA 205*. This case is relevant to the proposed SSD & the STSS as the SSD Project hinges on the STSS being connected. Whilst it may form part of another planning pathway, its assessment of impacts must be considered as a part of the subject EIS.

The NSW Court of Appeal's decision in *Bowdens* found that 'enabling' infrastructure for State significant development (SSD) needed to be assessed as SSD (rather than under a separate planning pathway). Given that the Data Centre cannot operate without the STSS as the data centre relies on having connection to electricity, and that Macquarie Park is currently in an electricity supply shortage, due to "Major Customers" taking all remaining electricity supply, the application should be amended to include the STSS.

Council's preference is that the project for the STSS and the Data Centre are incorporated into 1 application, to enable a detailed assessment of impacts for both the STSS & Data Centre. Council does not consider that the STSS once at REF (Part 5) stage include numerous design revisions or deviate from the location or size as shown under the SSD, as the associated impacts will change. Since the Subject SSDA seeks the removal of vegetation/excavation, it permits the STSS as REF rather than requiring an EIS be prepared. Council seeks the following:

- The EIS be amended to include the STSS as a part of the subject SSDA.
- The EIS and supporting appendixes be amended to include appropriate assessments/ include mitigation measures for additional development associated with the STSS.
- The provided QS report be amended to include the value of the STSS.

4.3. Location of STSS

Site Development History

Relevant to the application is the site has an existing development consent issued by Council known as DA1395/1999. This application has been modified several times. The original consent was for:

Construction of four (4) and six (6) storey commercial buildings over basement car parking.

The application was then subsequently modified by the applicant that reduced the size of the rear buildings and transferred GFA into the front portion of the site. Council, the applicant and Court ultimately agreed to impose a new condition of consent that required "new" development consents be obtained for rear buildings known as B& C and a new café.

Modified Consent dated 26 July 2004 imposed the following conditions:

65. A local development application is to be submitted for Buildings B and C. The building envelope and floor space is to be in accordance with the approved architectural plans as per condition 1 contained within this development consent.

66. A local development application is to be submitted for the cafe. This application is to include full details of the floor plan, elevations, section plus a statement of environmental effects. The building envelope and floor space is to be in accordance with the approved architectural plans as per condition 1 contained within this development consent.

Noting the above development history the rear part of the site never received full development approval for the removal of all trees and the associated footprint of the built form was significantly reduced.

Current Location of STSS

Council considers that the location of the STSS should be revised to ensure the protection of ecological sensitive lands. The location of the STSS being separated from the main data centre is of concern to Council due to the vegetation and biodiversity impacts outlined in Appendix 15 (BDAR).

The BDAR indicates that approximately 168 eco-credits must be retired because of the development. Based on review of Appendix 15 most credits are result of the location of the STSS and the associated tree removal/ rock removal. Figure 5 Shows the indicative location of the STSS being central to Direct Impacted Areas. The STSS location results in significant impact to native fauna and flora habitat and as a result its current location is unsuitable unless demonstrated otherwise.

Whilst impacts to a certain degree may be unavoidable, the application must demonstrate avoidance principles before the current location of the STSS is supportable by Council. The rear part of the site contains biodiversity values, and the existing development consent was modified to not have approval from Council for removal of significant vegetation.

Given this the current location of the STSS cannot be supported due to biodiversity impacts, unless it is demonstrated that alternatives have been considered, and the proposed location is most suitable. Council recommends that the following occur:

- The applicant provides robust justification as to why the current location of the STSS is suitable and why there are no other suitable locations (such a internal to the data centre), or
- The applicant revise the site layout to include the STSS as apart of the existing building footprint, or;
- Reduce the size of the footprint of the STSS, it is currently suggested as being 60mx30m2. Details on maximum size requirements should be provided and the scope of the STSS should be reduced in size to minimize impacts.
- If the STSS was included with the SSDA rather than left to another approval pathway, it would provide additional justification on biodiversity impacts.

It's noted that the STSS as stated in Appendix 29 is solely for the subject site and not for external customer use. Given this incorporating the STSS as a part of the main data centre should be explored as there is not expected to be significant security concerns for a structure that supports the main operation.

Council would be supportive of transferring any lost GFA into a higher building form, subject to appropriate impacts and a revised Clause 4.6 for Building Height.



Figure 5: Mark up of Appendix 15 – Figure 8 (Base Source: SLR)

5. Trees, Bushfire and Biodiversity.

5.1. Tree removal and replacement plantings

On submission of the EIS, the Applicant has now clarified that:

- A total of 38 trees are proposed for retention (not including trees within the dense bushland area)
- A total of 509 trees (in 188 tree groups) are proposed for removal
- Of those 509 trees earmarked for removal, approximately 200 trees are low retention and are likely to be regrowth since the site was excavated as part of No. 1395/1999.
- A total of 143 trees are provided to compensate for canopy loss.

Council provided advice previously to the applicant that the prescribed replacement planting ratio of 3:1 referenced in Councils Draft Development Control Plan (Part 9.5) – Tree Preservation would not apply to the area of regrowth trees identified in the approved excavated footprint under Modified Determination No. 1395/1999. Figure 6 shows the remnant vegetation that if removed requires replacement planting at a 3:1 ratio.



Figure 6: Extract showing Excavated footprint from November 2009 (Base Source: Ryde Maps)

Council advises that:

- Based on the above planting of 143 trees to compensate for canopy loss, Council assumes that 166 trees would not be able to be undertaken on the site and are subject to the planting ratio of 3:1 equals **498 trees**.

Should these tree replacements not be able to be undertaken on the subject site, a fee should be paid to Council, consistent with the fee detailed in *Council's Fees and Charges* for replacement tree plantings to occur on Council Land. Council's draft condition provided below:

Tree Replacement Planting: On issue of a construction certificate, tree replacement plantings are to be undertaken on a ratio of 3 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.

5.2. Bush Fire Management

The Site is identified as bush fire prone land, with Vegetation Category 1 affecting the south-eastern half of the Site and Vegetation Buffer affecting the north-western half of the Site. In review of the EIS and Appendix 30 the Bushfire Attack Level (BAL) that the development will be constructed too is Flame Zone (FZ)

Council requires further clarification on RTS Submission if Appendix 30 has considered the STSS in its assessment and any associated bushfire requirements with the STSS. Council notes that the previous consent (Figure 7) required the area between buildings B & C (similar location to STSS) was required to be managed as a Fuel Free zone whilst insuring any surrounding trees be retained. Appendix 30 Asset Protection Zone (APZ) map has excluded the STSS from the relevant APZ and based on the previous consent additional mitigation measures would be required.

Council recommends that referral to the Rural Fire Service is undertaken to confirm the relevant bushfire requirements applicable to the site.

- 8 Bush fire threat is to be mitigated in accordance with the report and recommendations contained within section 5 of the report prepared by Conacher Travers Pty Ltd dated August 2000, except as amended by the following conditions:-
- a) A 10m-wide fuel free zone between the southern walls of Building B and C and the western wall of Building C to be established. **All** trees to be retained and monitored within this zone as recommended in the Tree Survey Report. This zone is to be free of understorey vegetation for the first 5m (this is taken up by the basement carpark extending approximately 5m out from the building front) and then between 5 and 10m the understorey is to be reduced to 10% of area. Refer Section 3.7.2 of Bushland Management Plan.
 - b) Landscape areas to the south of the proposed building to be retained as self-sustaining natural bushland, described as 'Moist Closed Forest – design treatment' in Landscape Plan prepared by Paterson and Pettus, October 1999. This area contains a group of the threatened species, *Darwinia biflora* and should be correctly managed in accordance with the Bushland Management Plan.

Figure 7: Extract showing condition 8 from Consent No. 1395/1999

5.3. Resilient development

As the site is in a sensitive area that is subject to unique environmental constraints and proposes a unique land use that if not planned appropriately exacerbate these environmental constraints creating unique stresses and shocks, Council seeks that the development is planned resiliently to deal with these stresses and shocks.

- It is recommended that the Applicant refrain from using timber in any viewing platforms, consult with National Parks and Councils bushland team for advice on technical path design best practice given bushfire potential.
- The EIS states that:
 - *Electricity services should be located so that the possibility of ignition of the surrounding bushland or fabric of the buildings is limited. Regular inspection of the electricity lines should be undertaken to ensure they are not impacted by branches.*
- The recommendation within the report conflicts with Ausgrid provisioning location at the back of the site. Given the proposed location of the STSS further information on the suitability of the STSS location is required.
- Gas should be avoided in the first instance to comply towards electrification goals and direction of under NABERS. The location of any gas services should vent facing away and not lead to the ignition of surrounding bushland or the fabric of the buildings.
- Fire assessment is recommended to be amended to consider cumulative risk from neighbouring data centres and fire run ability.
- A risk assessment must be undertaken in alignment with the SEPP to identify climate risk and hazards on site considering the national park/ bushland and flame zone area. Currently these are reviewed in isolation not considering risk factor
- The EIS Architectural Design report confirms that the site 'Due to existing environmental and site constraints, it is not possible to achieve the full minimum Asset Protection Zones (APZs) typically required.' Which places this site at elevated high risk given the fuels stored on site, location of generators proposed and associated heat and fuels and fire run. Therefore the footprint should be considered to ensure it complies with Planning for Bushfire Protection Standards for APZ's.
- The Fire Assessment – assumes: *the Acceptable Solution under Table 7.4a of PBP requires APZs be provided in accordance with Table A1.12.2 or bushfire design modelling demonstrating the maximum radiant heat will not exceed 29kW/m2, consistent with that for residential subdivisions* in light of the PBP not providing specifications for data centres. How and why did it assume 29kW/m2 given the scale and proximity to a direct fire run?

- The difference between the assumptions is in the provisioning of an appropriate APZ to enable firefighting. Given the combustible storage locations, generator placement along the fire run, this should be higher requiring a greater setback to provide safe firefighting provision. Under this assumption the distance ranges from 11-30mtrs which the Architectural report stated it could not provide. The proposed APZ is 20mtrs (south end) however is provided as 'commensurate with the construction of the building; and a defensible space' – this will not adequately provide safe space for fighting.

5.4. Vegetation Management Plan

Council notes that Appendix 15 requires a Vegetation Management Plan (VMP) be prepared for the development. Council recommends that on condition of consent, the applicant be required to prepare a detailed VMP.

Council notes that there is an existing VMP and Bushland Management Plan that applies to the site as associated with the Previous Approval. It's recommended that any new VMP consider and incorporate the previous requirements of into a new VMP. Any VMP should address the following:

Council will provide a recommended condition of consent at a later date to address this matter.

5.5. Landscaping, Pedestrian access and land management

The site directly adjoins the Lane Cove National Park to the east and south-east which contains a walking track known as The Great North Walk and a fire trail. The site includes significant rock formations, canopy trees, rock outcrops and established vegetation. Council previously requested that the Applicant maintain the existing pedestrian access and upgrade the walking tracks and steps without impacting negatively on the adjoining native vegetation.

Council suggests that:

- The landscape plan needs to clearly include these elements from the Survey Plan.
- The actual walking track / path route (across the site) needs better clarification/confirmation.
- The proposed access from the property into Lane Cove National Park. Proponent is to provide further information on how they see this access path working and extending from Julius Avenue and how they expect people to move from the property into the reserve safely and without creating a CPTED or maintenance issue for Council or National Parks.
- The plans should show how an accessible route / cross section and grades are achieved from Julius Avenue to the access road

Additionally, Council requires details on how the boardwalk and landscaped setting will be maintained in perpetuity. Council will not accept dedication of this land/ accept maintenance responsibilities, therefore being the responsibility of the owner of the site.

The proposed elevated boardwalks on the southern side of the proposed access road and sub-station are considered excessive. The elevated boardwalks would lead to more pruning and removal of trees and significantly increased maintenance costs than a regular pathway on-grade. It is requested that any proposed landscaping infrastructure that will impact trees and existing vegetation is minimised.

Maximum retention of native vegetation and regeneration of native vegetation should be prioritised. Money saved on infrastructure can go into the long-term regeneration and maintenance of the native vegetation and weed control, and to improve the existing track.

On RTS Submission the applicant must provide appropriate details of land management of this space. It is recommended that an Operational Place Strategy Management Plan (OPSMP) be prepared that details:

- Detail how adequate levels of service and maintenance occur of these spaces
- Detail capital funding models of operations and maintenance of these spaces
- Provide clear risk & liability strategy of these spaces
- Provide details and responsibilities and processing complaints of these spaces
- Provide details on the operation and use of these spaces
- Provide a clear governance strategy for the accessible areas
- Provide clear risk mitigation strategies for natural events (such as flooding, bushfire and more)

6. Development Engineering

6.1. Stormwater Management

In review of the EIS Council provides the following comments:

- The hydraulic services report indicates the system is to incorporate a 230kL size rainwater tank system which will greatly reduce the degree of runoff being discharged from the site and is a commendable component of the stormwater management system.
- In comparison to the original concept plans, the number of dispersal points have been increased and are integrated into the landscape design. This is aligned with the general stormwater objective for this project, which is to ensure that the dispersal of flow to the National Park land is achieved in a manner which mimics state of nature conditions.

The following matters warrant further information or are to be addressed;

- The nominated OSD design rational has implemented a strict interpretation of the Council's DCP requirements for OSD systems. Whilst this is technically correct, it is not considered appropriate for the location of the development, means of discharge (dispersal outlet) and scale of development. Noting the design should mimic "state of nature" conditions. In other words, the rate of runoff being discharged to the outlets should replicate how it would be if the site were in an undeveloped state (ie natural, vegetated, bushland).
- The provided Civil Engineering Report (concerning stormwater) has presented results of the OSD design utilising DRAINS modelling software but has not provided the data files for review and correlation. Council requires the DRAINS data files be provided for further review.
- The location of the northern most dispersal point is noted to be upstream of private land (above where the parking is to be relocated). The location is a very poor arrangement given it will likely be detrimental to the downstream area and therefore should be relocated further south or potentially discharge to the same service addressing flood mitigation.
- There is a stormwater drainage easement located adjoining the northern boundary which the works will impose upon. It is advised that the planning authority confer with the beneficiary of the easement and confirm they have no objection with the works encroaching over this area.

6.2. Vehicle access, parking and servicing facilities

In review of the EIS Council provides the following comments:

- The proposed new access road displaces parking located in the cul-de-sac of Richardson Place. The proposed civil plans have indicated this displaced parking will be relocated to the neighboring site (3 Richardson Place) in a new parking area. The configuration will require the consent of this land owner. It is also suspected that this portion of land may be subject to

inundation or adjoining the floodway anticipated to arise from extreme storm events and therefore the matter should be included in the proposals flood report.

- The swept path analysis has maintained a MRV vehicle however the logistics of construction will likely warrant access by AV. This design vehicle should be considered and additional information be provided on the largest vehicle that will access the site.

Council notes that the development will result in works required to 3 Richardson Avenue because of the access road and having to relocate/ amend parking bays. It's understood that the applicant intends to lodge a Local DA to Council for the associated works to 3 Richardson Avenue. Council recommends that DPHI impose a condition that requires the benefiter of the SSD consent obtain owners consent and lodge a DA to Council to resolve the parking

7. Flooding

7.1. Revision of Stormwater plans

Council recommends that the *Stormwater plans (Revision D) prepared by TTW Pty Ltd dated 11 July 2025* are to be revised noting that Richardson Place is currently a private road; therefore, a proposed pipe system within a privately owned road cannot be supported without the asset owner's authority.

It is recommended that the Applicant revise the design to:

- Indicate the ownership of the proposed access road on the plans. Council's preference is for this road to be maintained by private owners, as it services only this development. Council will not accept maintenance responsibility for the OSD system.
- Indicate the existing Council drainage assets with a different layer. There are some details such as the existing pit on the Richardson place corner missing on the plan.
- Owners consent would be required from 3 Richardson Avenue to propose works within their lot.

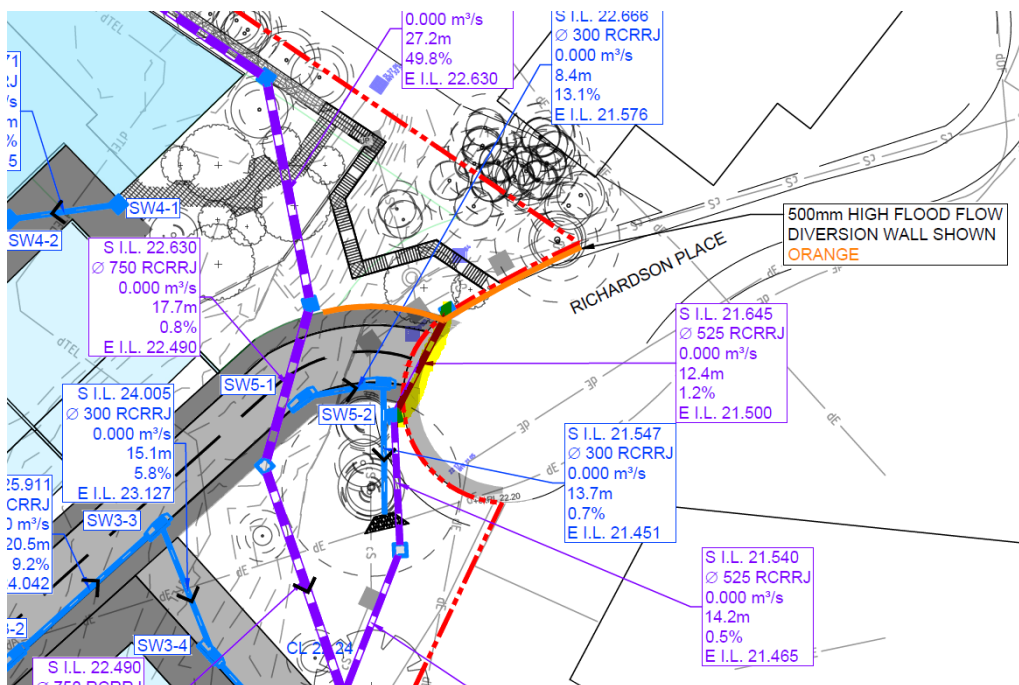


Figure 8: Extract shown in Yellow showing pipe asset extending the property boundary.

Upgrading of Council drainage assets:

The following details shall be provided concerning the proposed stormwater upgrades:

- Longitudinal Section to be provided and shall be cover compliant as per *City of Ryde DCP 2014 8.2 stormwater management technical manual, Table 5.4*. Please indicate the cover of the proposed pipe within Council land on the long section, and the type of RCP pipe (steel reinforced Class IV).
- The pipe long section shall also include hydraulic grade line analysis.
- Pipes to include Rubber ring joints
- Existing Council drainage infrastructure details including, diameter, etc. shall be shown on the plans, including details of the connection of the proposed stormwater system.
- Minimum 1% slope to be provided for new drainage lines in Council land and street.
- The proposed stormwater pipes shall maintain adequate horizontal and vertical clearances from adjacent utilities as per relevant utility authority requirements. Approval from relevant utility authority may be required with regards to clearances.
- Existing Council drainage infrastructure details including, diameter, etc. shall be shown on the plans, including details of the connection with the proposed stormwater system.
- Existing Council drainage infrastructure details including, diameter, etc. shall be shown on the plans.

Note: Please use Council asset numbers.

Council recommends that the *Flood impact and risk assessment prepared by TTW Pty Ltd dated 20 June 2025* is to be revised and reflect the following:

- 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 and PMF in .asc format shall be submitted.
- Please explain the assumption for the blockage scenario. It is unclear whether any blockage factors for the proposed drainage infrastructure have been implemented.
- Provide high-resolution flood maps with appropriate quality intervals:
 - Flood levels to be shown inside and outside the development site, including neighbouring properties, at a 0.2 m contour interval.
 - Flood level afflux maps for the 1% AEP and PMF events at 0.01-0.02 m.
 - VxD maps at 0.2 m²/s intervals.
- VD afflux map is not provided. Please provide VxD afflux map at 0.04-0.05 m²/s interval in the flood study report.
- Please describe the flood level impact and VD impact inside and outside the development site due to proposed development in the report.
- Please Include existing scenario modelled flood levels for both the 1% AEP and PMF events.

The existing Council flood maps indicates that the site is 100% inundated by PMF flood. Please note that reference must be made to the existing flood maps, as the draft flood study is not yet legally gazetted. Accordingly, the following highlighted statement must be revised in line with existing flood mapping:

For this site, the Flood Planning Level has been set based on either the maximum PMF flood level or the 1% AEP flood level plus 300 mm, whichever is higher, in line with industry-accepted practice.

The basement entry is located on the southern side of the proposed development and is not affected by flooding.

The proposed development will include basement car parking and tank rooms, two data halls, an electricity generation gantry designed to accommodate 12 generator units, a loading dock, associated landscaping, an access road connecting the existing road to the west with the Richardson Place cul-de-sac to the east, and a separate Ausgrid Sub-Transmission Switching Station (STSS) along with a main switchboard room.

Figure 9: Extract from TTW Flood Report

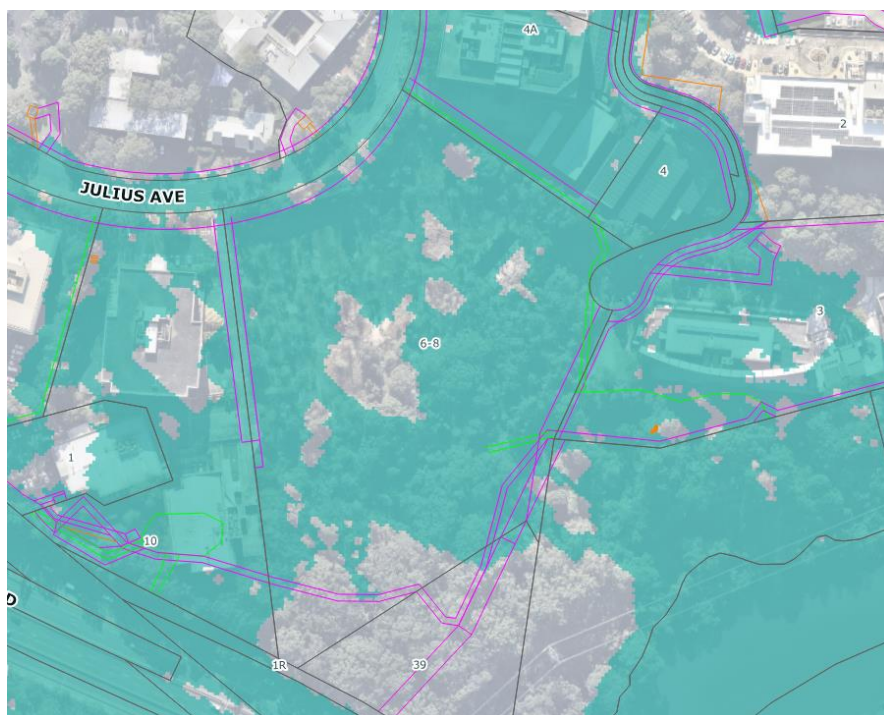


Figure 10: Extract showing Council's current PMF Mapping (Source: Ryde Maps)

As the site is affected by PMF, the architectural plans will require amendment to address the following points:

- Basement Ramp/opening to raise to PMF level before descending to the basement to ensure basement flood immunity.
- A cross section of the basement ramp/opening to be provided and clearly demonstrate that the crest of the basement ramp is designed up to PMF level.
- Any other opening leading to the basement (e.g. emergency exits, vents, etc.) to be located above PMF.
- Please provide the certificate from the flood engineer that the proposed basement openings are not inundated during PMF flood event.

8. Public Domain

8.1. Public Domain Works to be Completed along the Frontages of the Site

Council requests that the Applicant provides a public domain plan detailing the scope of public domain upgrade works to be delivered on existing road frontages as per the requirements of the Updated Design Guide.

As mentioned in previous advice, 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.
- Works required to facilitate ongoing utility access and uninterrupted access along the site frontage.
- Undergrounding of any overhead cables along the frontage.

8.2. Roads / Street network

Council and the applicant have had detailed discussions on the matter regarding road dedication. Noting Council's Previous EIS Advice, the applicant has agreed to keep all roads in private ownership. This being the case, Council consider the variation to the design guide as acceptable, given they are not proposed to be dedicated to Council.

DPHI can refer to Council's position as stated in its pre-DA advice.

Connection with Future Road with Existing Private Road

The existing road which connects Richardson Place and the eastern side of the subject side is a private road through No.3 and No.4 Richardson Place with public access formalised through an access easement. Adjacent to the eastern boundary of the subject site the existing access road terminates in a cul-de-sac, arranged to provide for a significant number of parking spaces. The proposed connection to existing private road at the eastern boundary of the site would need to consider maintaining or improving existing parking facilities and ensuring that the thoroughfare through the existing facilities on private property is safe and enables efficient vehicular movements.

Council requests that the following information is provided to facilitate assessment:

- Public domain plan detailing the scope of public domain upgrade works to be delivered on existing road frontages should include the specified widths and layouts of the new roads within the site.
- Provide plans detailing the connection between the existing private access road within No.3 Richardson Place, with consideration given to:
 - Maintaining the utility of existing parking facilities.
 - Providing for safe and efficient thoroughfare between the existing access road and the new portion of road extending from the eastern boundary of the subject site.

NOTE: Approval of any amendments within No.3 Julius Avenue pertaining to the connection with the private access road would be subject to input and approval from the property owner and as such it is recommended that they are involved in the process from the outset.

8.3. Management of Subsurface Utilities

The pre-EIS advice provided by Council requested that the applicant consider mitigation strategies to prevent dilapidation of public domain infrastructure resulting from the large volumes of communications utility installations generally installed following commencement operation.

It should be emphasised that the main concern is not the pre-occupation installation of supporting utility infrastructure, but rather the requirement for telecommunication authorities connection to the site, to expand, modify or upgrade their subsurface infrastructure within the vicinity of the data centre, following commencement of operation.

The applicant has provided a comprehensive Infrastructure Plan (appendix 29) which details a Concept Communications plans including lead in conduit routes. As part of the Macquarie Park Public Domain Strategy Report, a utility management policy is proposed to be implemented to offset the impacts of new data centres on public domain infrastructure. It is anticipated that this policy will require a number of spare conduits to be installed along the frontage of a data centre development site and to a relevant point where existing communications utilities infrastructure can be connected.

The final arrangement and extent of spare conduits to be provided will be subject to demonstrated consultation with utility authorities. No further information is required from the applicant at this point, and this issue can be appropriately conditioned.

9. Traffic, vehicle access and parking

Council has considered the EIS and provides the following comments to be addressed. Council notes that these matters were raised in its Pre-EIS advice however have not been addressed in the exhibited proposal.

- The submitted documentation indicates that 54 off-street car parking spaces are proposed for the development. However, the TIA report prepared by PTC Consultants (dated 17 April 2025) does not explain how this figure was determined or whether it is adequate for the development's needs. As off-street parking provision directly influences traffic generation, it is essential that the Proponent provide clear justification for the proposed number of spaces. Accordingly, the Proponent amends the TIA report to demonstrate that the provision of 54 car parking spaces is appropriate for the development.
- Section 4.2.2 of the TIA report assumes a 50% inbound and 50% outbound traffic split during both the morning and afternoon peak periods. This assumption is not appropriate for a commercial development, where traffic patterns typically show a higher proportion of inbound traffic in the morning and outbound traffic in the afternoon. It is therefore recommended that the traffic generation be revised to reflect a 90% inbound and 10% outbound split during the morning peak, and 10% inbound and 90% outbound during the afternoon peak. The TIA report should be amended accordingly to reflect these revised assumptions.
- Section 4.3 of the TIA report states that SIDRA Intersection modelling software was used to assess peak-hour performance at the intersections of Delhi Road/Julius Avenue West/Plassey Road, Delhi Road/Julius Avenue East, and Julius Avenue East/Richardson Place. However, the Julius Avenue/Rivett Road roundabout was not included in the network model, which compromises the accuracy of the modelling results. To ensure a complete and reliable assessment, the traffic modelling must be revised to incorporate the Julius Avenue/Rivett Road roundabout, and the TIA report updated accordingly.
- The proposal includes the construction of a data centre and a new Sub-transmission Switching Station (STSS) on the site. While the TIA report identifies Medium Rigid Vehicles (MRVs) as the largest vehicles accessing the data centre, it does not specify the largest vehicle expected to access the STSS. The applicant must therefore provide additional information confirming the

largest vehicle required to service the proposed STSS, supported by evidence from Ausgrid. If this vehicle is larger or longer than an MRV, the swept path plans must be updated accordingly.

- The swept path plans in the TIA report indicate that an MRV can access the site via Julius Avenue and exit through the cul-de-sac at 3 Richardson Place, or vice versa. However, the plans also show that the MRV must use the full width of the roadway between Richardson Place and the cul-de-sac—particularly at tight bends—due to the narrow road geometry.
- Additionally, the MRV cannot safely pass a standard passenger vehicle along this section. This situation is unacceptable, as it poses significant safety risks along the access route to 3 Richardson Place. Accordingly, access to the site via Richardson Place is not supported, and all truck movements associated with the proposed data centre and STSS must be restricted to Julius Avenue.
- In addition to the above, it is noted that the roadway between Richardson Place and the buildings at 3 Richardson Place, including the cul-de-sac, is a privately owned road with multiple owners. Therefore, the proposed internal roads of the development cannot be connected to this private road unless a legal right-of-way easement exists. The applicant must provide evidence that the roadway, including the cul-de-sac, is legally accessible for public use. If such evidence cannot be provided, the development plans must be amended to remove any connection between the site's internal road and the cul-de-sac.
- The submitted letter of offer indicates that the applicant proposes to dedicate the new internal road along the southern portion of the site to Council if requested by Council or otherwise provide a public access easement prior to the first Occupation Certificate. However, the dedication of the new internal road is not supported, as the road lacks traffic functionality and does not offer any discernible public benefit. It is therefore recommended that the letter of offer be amended to remove the road dedication and to indicate that a public access easement associated with the new internal road will be provided prior to the first Occupation Certificate.

10. Environmental Health

Council's Environmental Health staff have undertaken a detailed review of the relevant SSD application expert reports.

Council has considered the proposal from several environmental health perspectives and is generally supportive of the application subject to recommended conditions of consent that can be provided to DPHI at a later date.

10.1. Other Environmental Considerations

A detailed Wind impact assessment is required to be included with the application. It is noted that the SEARs for the development does not include a wind impact assessment as relevant, however all development within Macquarie Park is subject to significant wind impact therefore warranting an assessment of impacts.

The Proponent is advised to consider Section 9.1 of the Ryde DCP 2014 Part 4.5 and provide a detailed wind impact assessment with the EIS that demonstrates no significant impact is caused on the public domain. 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.

Council previously advised this was required in its EIS advice however it was not provided.

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 thanks the applicant for their detailed engagement prior to lodgement of their EIS. This submission outlines that there are still outstanding matters to be addressed and welcomes the opportunity to further collaboratively engage with the applicant to resolve these matters.

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 7.7 for incentive height, 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