

RFI Response Letter

Apollo Place Data Centre (SSD-67407231)
1 Apollo Place and 1 Sirius Road, Lane Cove West

19 June 2025

SSD-67407231
Contact: Asher Richardson
REF: WTJ23-619

Jeffrey Peng
NSW Department of Planning, Infrastructure & Housing
Jeffrey.peng@dpie.nsw.gov.au

Attention: Jeffrey Peng

**RE: APOLLO PLACE DATA CENTRE (SSD-67407231)
REQUEST FOR ADDITIONAL INFORMATION**

Dear Jeffrey,

I refer to the Response to Additional Information (RFI) Letter provided by NSW Department of Planning, Infrastructure & Housing (DPHI) on 13 May 2025 in relation to the Apollo Place Data Centre (SSD-67407231) at 1 Apollo Place and 1 Sirius Road, Lane Cove West (the Site).

Introduction

Please refer to the following RFI Response Letter which provides the applicant's response/clarifications to each matter raised in the Letter from NSW DPHI. Supporting evidence is also provided at the following appendices:

RFI Appendix 1	Response to Additional Information Letter from NSW DPHI
RFI Appendix 2	Amended Clause 4.6 Variation Request
RFI Appendix 3	Amended Architectural Plans
RFI Appendix 4	Amended Landscape Plans
RFI Appendix 5	Amended Visual Impact Assessment
RFI Appendix 6	NVIA (Additional response to submissions – updated 16 June 2025)

The comments from NSW DPHI are reproduced and responded to below.

Clause 4.6 Variation

- The clause 4.6 variation written request, which seeks to exceed the building height standard by up to 81.5%, has not provided adequate evidence to justify (i) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (ii) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Furthermore, the Department does not accept the reasoning in the Clause 4.6 request that the building height standard has been virtually abandoned.

Given the above, the written request must be revised to:

- demonstrate the proposed development is consistent with the bulk and scale of the Lane Cove West data centre, by having regard to proposed architectural and landscape treatments, surrounding topography, setbacks, and the height of adjoining commercial developments*



RFI Response Letter

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1 Apollo Place and 1 Sirius Road, Lane Cove West

- b) *demonstrate the proposed building height exceedance will not result in any unacceptable impact on other land uses by way of noise impact, visual impact, disruption of views, or loss of solar access*
- c) *demonstrate the proposal provides for a scale of development that when viewed from the streetscape and surrounding properties is not unreasonably dominant in terms of bulk, scale or interface with the streetscape.*

Unless the variation is fully justified, the Department requires an amended design that effectively reduces operational noise and visual bulk impacts to accompany any further written request.

Proponent Comment:

An updated Clause 4.6 Variation Request has been provided at **RFI Appendix 2** to respond to the above comment. Each matter and the relevant section of the Variation Request is tabulated below:

TABLE 1: CLAUSE 4.6 VARIATION REQUEST		
Matter	Section	Response provided
a) <i>demonstrate the proposed development is consistent with the bulk and scale of the Lane Cove West data centre, by having regard to proposed architectural and landscape treatments, surrounding topography, setbacks, and the height of adjoining commercial developments</i>	4.3	The Proposal is consistent with the bulk and scale of the adjoining Lane Cove West Data Centre (LCWDC), when considered in the context of the steep topography of Apollo Place and desired future character for the area. The LCWDC has a maximum building height at approximately RL 53.3 AHD, which is approximately 6m lower than the Proposal. The Proposal is logically taller than the LCWDC given the steep topography of Apollo Place with the Proposal sitting significantly higher on the street. As Apollo Place rises towards the intersection with Sirius Road, the buildings naturally increase in height. The corner of Apollo Place and Sirius Road has a footpath level of approximately RL 42 AHD. Therefore, should the adjoining site at No. 9 Sirius Road wish to redevelop to the site's full potential at the 18m building standard prescribed by LCLEP 2009 to be consistent with the desired future character for that site, it can achieve a maximum building height at RL 60 AHD, which is higher than the Proposal. This would allow the natural progression of building height to the high point at the corner of Apollo Place and Sirius Road. In respect of the setbacks, the Proposal has a compliant 8m front boundary setback along the Apollo Place frontage, with the exception of the interface with the cul-de-sac turning head. Should the adjoining industrial land to the east of the Site at No. 9 Sirius Road redevelop, it is subject to a 4m secondary frontage setback to Apollo Place, which is significantly less than the 8m setback provided at the boundary of the Site with No. 9. This would effectively reduce sight lines to the development from Sirius Road. In this regard, it is considered that the Proposal is consistent with surrounding topography, setbacks, and the height of adjoining developments, and importantly the desired future character of the area.



b) <i>demonstrate the proposed building height exceedance will not result in any unacceptable impact on other land uses by way of noise impact, visual impact, disruption of views, or loss of solar access</i>	4.3	The Proposal responds to the existing industrial developments on the southern and eastern interfaces, for which the protection of amenity would be ensured accordingly. Further, there are no sensitive receptors in close proximity to the Site; however, privacy, overshadowing and view/outlook has been considered in respect of the adjoining industrial and commercial development. There are no visual privacy concerns given there are no windows as part of the Proposal that would provide outlook to residential development. Further, view sharing has been considered in respect of the <i>views – general principles</i> planning principle developed as part of <i>Tenacity Consulting v Warringah Council</i> [2004 NSWLEC 140] and the Proposal is considered acceptable in this regard. The Shadow Diagrams provided at Appendix 3 to the EIS illustrate compliance with the overshadowing controls contained in LCDCP 2010, in that any additional shadow will fall over the Apollo Place and the front setbacks of the buildings on the southern side of the Road and will not affect solar access of any adjoining residential development as prescribed by Part E of LCDCP 2010. There will be some additional shadow cast over the windows along the western elevation of the adjoining industrial premises on the upper level of the building at No. 9 Sirius Road. Solar access for commercial and industrial premises is generally not protected in planning legislation or case law. In this instance, the windows of No. 9 are west-facing highlight windows servicing a warehouse use and therefore the overshadowing to these windows is generally not of a concern. The orientation of the windows and 14.8m building separation will allow direct solar access between 12:00pm and 2:00pm in mid-winter to be retained. The existing commercial and industrial buildings at Nos. 3, 4, and 5 Apollo Place to the south of the Site are not affected by overshadowing from the Proposal given the shadows fall over Apollo Place. In respect of visual impact, the views from adjoining industrial and commercial development in the vicinity of the Site have been considered in the updated VIA provided at RFI Appendix 5 illustrate that façade material changes have been made to reduce the impact of the Proposal and provide an improve outlook from those spaces. Notwithstanding, it is acknowledged that these views are not impacted by the part of the building that constitutes the height variation, and this view would be impacted by a development that complies with the building height standard prescribed by LCLEP 2009. Therefore, this is not a matter for consideration when considering the environmental impact of the proposed height variation.
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c) <i>demonstrate the proposal provides for a scale of development that when viewed from the streetscape and surrounding properties is not unreasonably dominant in terms of bulk, scale or interface with the streetscape.</i>	43	In respect of visual impact, the views from adjoining industrial and commercial development in the vicinity of the Site have been considered in the updated VIA provided at RFI Appendix 5 illustrate that façade material changes have been made to reduce the impact of the Proposal and provide an improve outlook from those spaces. Amended Architectural Plans have been provided at RFI Appendix 3 which illustrate that the material expression of the south-west façade of the Proposal has been revised with horizontal colour gradation (darker base to lighter top) to reduce visual bulk and highlights the landscape frontage along Apollo Place. In addition, express precast joints add modularity of the precast panels, adding rhythm and visual interest and reducing the building's perceived mass and visual bulk. The visual impact of the Proposal when viewed from the adjoining industrial and commercial premises on Apollo Place and Sirius Road has been significantly improved with the new material expression, addition of express precast joints, and additional planting in the front setback. As evident when comparing the original VIA and the Updated VIA at RFI Appendix 5, the Proposal is recessed into the surrounding landscape. Figure 1 to Figure 8 below show comparisons at Viewpoints VP13, VP14, VP15 and VP16 at the Year 15 scenarios from the original scheme to the updated scheme. In respect of interface with the streetscape, the maximum variation to the development standard of 32.68m is located away from Apollo Place to the north of the Site due to the natural topography of the Site. The Site falls significantly from south to north and given the nature of the use it is not practicable to step the building to follow that fall. Notwithstanding, this part of the Site is not readily visible from any road frontage of the Site and does not contribute to the streetscape presentation of the building. The maximum building height at the Apollo Place frontage varies from 19.42m to 21.49m and is minor in nature.
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Viewpoint 13 – View from 11 Sirius Road looking north-west



Figure 1. VP 13 Year 15 – original scheme (Source: Geoscapes, 2025)



Figure 2. VP 13 Year 15 – updated scheme (Source: Geoscapes, 2025)

Viewpoint 14 – View from 5 Apollo Place looking north



Figure 3. VP 14 Year 15 – original scheme (Source: Geoscapes, 2025)



Figure 4. VP 14 Year 15 - updated scheme (Source: Geoscapes, 2025)

Viewpoint 15 - View from 3 Apollo Place looking north-east



Figure 5. VP 15 Year 15 - original scheme (Source: Geoscapes, 2025)



Figure 6, VP 15 Year 15 - updated scheme (Source: Geoscapes, 2025)

Viewpoint 16 – View from 9 Sirius Road looking west



Figure 7. VP 16 Year 15 – original scheme (Source: Geoscapes, 2025)

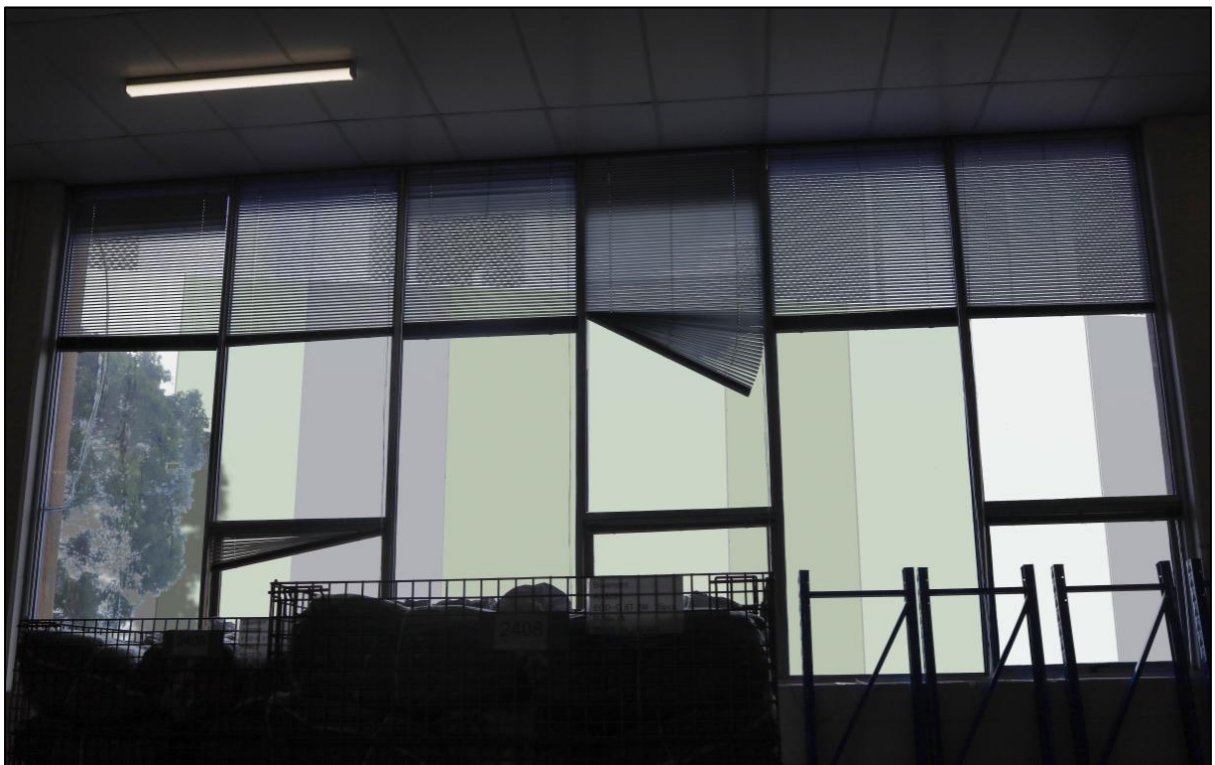


Figure 8. VP 16 Year 15 - updated scheme (Source: Geoscapes, 2025)

Operational Noise

2. *The supplementary noise assessment has not identified adequate mitigation measures to demonstrate that the cumulative operational noise from the consolidated data centre site will comply with the existing noise limits specified in Condition B14 of the SSD-9741 consent (Note: while these noise limits do not apply to emergency operations, they are applicable to back-up generator testing). Furthermore, the assessment has not demonstrated that the cumulative noise from the data centres will avoid exhibiting annoying characteristics during daytime and evening operations at surrounding residential and commercial receivers.*

Given the above, the noise assessment must be updated to include:

- a) cumulative noise levels at all potentially most-affected residential and commercial receivers, incorporating predicted noise contributions from both the approved form of SSD-9741 and proposed Apollo Place data centre, both with and without back-up generator tests associated with the proposal*
- b) a detailed evaluation of low-frequency noise for all proposed operations (excluding emergency operations), in accordance with Fact Sheet C of the Noise Policy for Industry*
- c) details of all source and pathway controls required to achieve compliance with the existing noise limits specified in Condition B14 of the SSD-9741 consent.*

Note that for the purposes of preparing the updated noise assessment, the noise limit at surrounding commercial receivers is to be taken as LAeq,15min 63 dB(A), consistent with the limit at 1A Sirius Road.

Proponent Comment:

An updated supplementary noise assessment has been provided at **RFI Appendix 6**. The response to each matter is outlined in Table 2-1 of the assessment and is reproduced below for completeness:

- a) Cumulative noise levels at all potentially most-affected residential and commercial receivers are presented in Section 3.3 and Tables 3.1 and 3.2. This includes updated predictions for back-up generator maintenance testing for the Proposal combined with the existing data centre noise predictions incorporating the latest detailed design operations and acoustic strategies.
- b) & c) A detailed evaluation of low-frequency noise for all proposed operations is included in the predictions detailed in Section 3.2, with the appropriate low-frequency adjustment added where indicated to the predicted noise level before comparing against the criteria, in accordance with NPfI Fact Sheet C.

Cumulative noise levels at all potentially most-affected residential and commercial receivers are presented in Section 3.1 and 3.3. These cumulative predicted noise levels include the latest detailed design operations and acoustic strategies for the existing data centre as detailed in 3.1, and revised maintenance testing modelling for the Proposal as detailed in 3.1.

With these updated predictions for the latest detailed design operations and acoustic strategies of the existing data centre, noise levels are predicted to achieve compliance with the existing noise limits specified in Condition B14 of the SSD-9741 consent, except at P1 during existing data centre (SSD 9741) worst-case daytime generator testing, and C3 during Proposal worst-case daytime generator testing. These residual impacts are further addressed in Section 3.4

We trust the above amendments adequately responds to the above concerns.

Building Frontage Design, Bulk, and Scale

3. *The Department considers the proposed built form and material expression to be insufficiently articulated, particularly along the Apollo Place frontage and towards the commercial receivers fronting Sirius Road, resulting in excessive visual bulk. The Department requests the exploration of design alternatives, including upper-level setbacks, façade modulation and/or varied material finishes, to enhance architectural interest and reduce the development's perceived mass.*

Proponent Comment:

Amended Plans have been provided at **RFI Appendix 3** which illustrate that the material expression of the south-west façade of the Proposal has been revised with horizontal colour gradation (darker base to lighter top) to reduce visual bulk and highlights the landscape frontage along Apollo Place. In addition, express precast joints add modularity of the precast panels, adding rhythm and visual interest and reducing the building's perceived mass and visual bulk.

The same vertical banding has been applied to the south-east façade to unity applied to northern and western facade is applied to the south-east elevation for consistency. The built form is recessed into the surrounding landscape of existing setting as established by the characteristic of the Lane Cove West Data Centre to the west. This elevation is now less dominant and is mainly obstructed by neighbouring building and not prominently visible from distance and the street.

4. *The Department notes the development proposes palisade fencing along the Apollo Place frontage. This type of fencing is considered to have a detrimental visual impact on the streetscape and is inconsistent with the desired future character of the area. The frontage along Apollo Place should contribute positively to the public domain. While the Department acknowledges that security is a critical operational requirement for data centres, it recommends exploring alternative security solutions, such as internalised or integrated measures, that maintain safety while minimising visual impacts on the public realm.*

Proponent Comment:

Updated Architectural Plans and Landscape Plans have been provided at **RFI Appendix 3** and **RFI Appendix 4** respectively which illustrate the palisade fencing now set back up to 5.2m from the boundary along Apollo Place and is screened by layered landscaping in front. This reduces the visual prominence of the fencing from Apollo Place and the public domain. In addition, the Proposal now includes reinstating additional 2 trees along the frontage together with the landscaping further limits its visual impact from Apollo Place. The Updated Landscape Plan is provided in **Figure 9** below

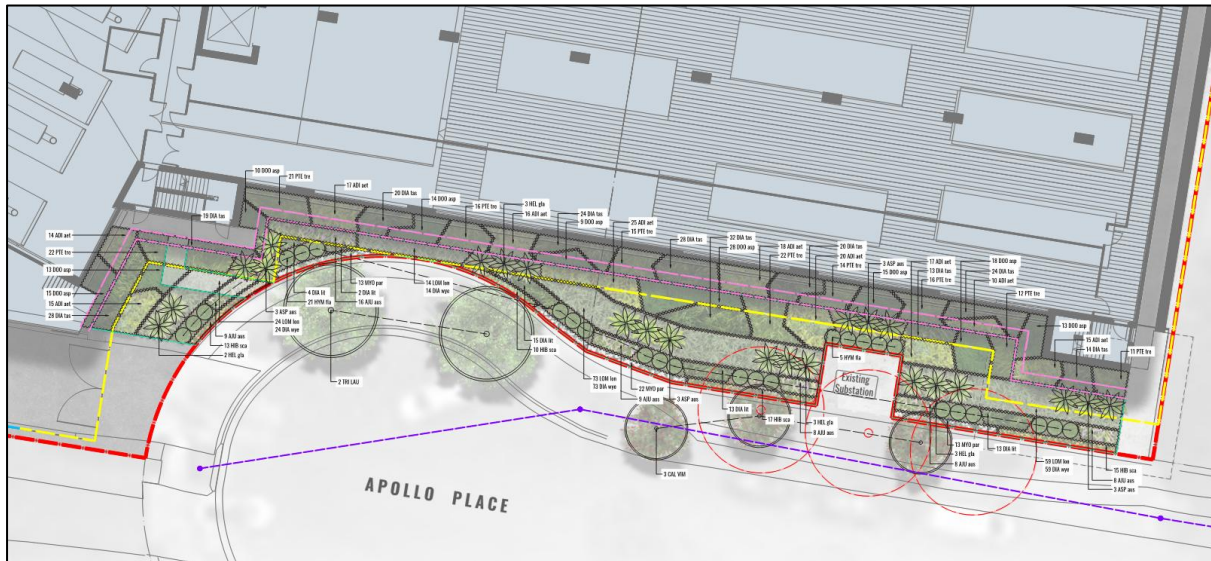


Figure 9. Updated Landscape Plan (Source: Geoscapes, 2025)

5. *Please provide details and outcomes of your targeted consultation with local businesses and commercial operations, noting that the tenant of 4 Apollo Place has previously raised concerns during the public exhibition period about the height of the proposed development and its potential impact on natural light.*

Proponent Comment:

An Engagement Report was prepared for the Proposal which is provided at Appendix 40 of the EIS which outlines the engagement carried out with local business in the vicinity of the Site. The following engagement strategies were utilised prior to the finalisation of the EIS:

- An online survey to collect stakeholder feedback on the proposed development and allow stakeholders to ask questions about the Proposal.
- An information source and central point for stakeholders to find project information. The survey link was embedded on the website, inviting stakeholders to participate.
- Flyers to all properties identified in the catchment area, providing information about the proposed development and details on how to access the online survey.

The Proposal was also exhibited for a period of 28 days to local businesses in the vicinity of the Site for comment as part of the public exhibition of the SSDA.

Of particular note are No. 4 Apollo Place and No. 9 Sirius Road, which are considered further below.

No. 4 Apollo Place

It is noted that a submission was received from No. 4 Apollo Place located to the south of the Site as part of the public exhibition period raising concern over the building height and visual impact on the ancillary offices on No. 4. The submission is reproduced in part below:

"Finally, we are concerned that the height of the proposed building may significantly reduce the natural light available to our office on the second floor. This potential reduction in light could impact our workplace environment and employee well-being."

The above response was addressed in the Response to Submissions Package. It is understood that the RTS Package was re-exhibited to all stakeholders for further comment. It is noted that no further comment was received from No. 4 or other surrounding businesses.

RFI Response Letter

Apollo Place Data Centre (SSD-67407231)
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The concern regarding natural light to the ancillary offices is noted. Lane Cove Development Control Plan 2010 (LCDCP 2010) prescribes solar access controls for residential development, but not for ancillary office premises or other commercial or industrial development.

Solar access for commercial and industrial development is not generally protected in planning legislation or case law. In this instance, the windows of No. 4 are north-facing and highly tinted, likely due to the lack of sun protection on those windows and a desire to reduce reliance on artificial cooling as a result. Notwithstanding, the northern orientation of the windows will allow direct solar access between 9i:00am and 3:00pm to be retained, and therefore there is no loss of direct solar access as a result of the Proposal.

Furthermore, the submission makes particular reference to “natural sunlight” which will be maintained to these windows.

No. 9 Sirius Road

No. 9 Sirius Road is located directly to the east of the Site and is a 2 to 3 storey industrial building.

The west-facing windows at the rear of the upper level of No. 9 as shown in VP 16 of the VIA are highlight windows that serve an existing warehouse/storage premises. The windows have a sill height of at least 1.8m.

The orientation of the windows and existing side setback will allow direct solar access between 12:00pm and 2:00pm in mid-winter to be retained. This is considered to be satisfactory for a warehouse/storage remises.

It is further noted that the windows have a 12.4m western boundary setback and the Proposal has a 2.4m eastern boundary setback, providing a building separation of 14.8m, which is sufficient to maintain natural light. It is further noted that the tenancy has south facing windows which remain unobstructed by the Proposal, ensuring multiple light sources to the warehouse/storage premises is maintained.

Conclusion

We trust the attached information satisfactorily closes out the queries raised by NSW DPHI and Council. If you have any queries or concerns in relation to the above and/or attached, or if you require any further clarification, please do not hesitate to contact the undersigned.

Yours sincerely,



Asher Richardson
Senior Associate
Willowtree Planning Pty Ltd

