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29 August 2025

Shaun Williams
Senior Environmental Assessment Officer
Industry Assessments
Department of Planning, Housing and Infrastructure

Dear Shaun,

RESPONSE TO REQUEST FOR FURTHER INFORMATION_SSDA 63235720

This letter has been prepared by Urbis Ltd on behalf of Stockland (the **Proponent**) in response to additional comments received from the City of Ryde Council and the EPA regarding the proposed data centre development at 1–5 Khartoum Road, Macquarie Park (**SSD-63235720**).

A response to each of the matters raised in these submissions is provided in the following tables, addressing the specific concerns and recommendations outlined by both authorities.

This letter is accompanied by the following additional information:

Attachment A: Legal advice prepared by Minter Ellison.

Attachment B: Response to Flooding Related Request for Information prepared by Northrop

Attachment C: Air quality memo prepared by ARUP

Table 1 Response to Council's comments

Council RFI (22 July 2025)	Applicant's response
Planning Agreement Status Council highlights that negotiations on the proposed VPA are still ongoing, and no agreement has been reached. Because the development relies on Clause 7.7 of the Ryde LEP 2014, Council reiterates that the application cannot be determined until a VPA is executed.	Stockland's Voluntary Planning Agreement (VPA) letter of offer received both Council's CEO and Infrastructure Coordination Committee (ICC)'s support on 5 June 2025, enabling legal draft of the VPA to commence. A draft VPA document was issued by Council's lawyers to Stockland on 22 August 2025 and is currently under review.
Security Fencing	Stockland understands the need to create an attractive public domain in Macquarie Park. As acknowledged a fence is required in the

Council RFI (22 July 2025)	Applicant's response
Council acknowledges the applicant's commercial need for fencing to satisfy Tier 1 data centre customers but raises concern about the negative impact of fencing on the future character of the precinct, particularly along Talavera Road and Murrel Street which are intended to function as activated pedestrian corridors. It requests that design alternatives be further investigated to reduce these impacts and suggests that DPHI prepare a broader design guide for data centres.	locations proposed to meet minimum security requirements of Tier 1 data centre customers including government agencies. The visual impact of the entire context of the public domain works should be considered to meet the objective of an attractive public domain. The physical fence structure which must comply with certain security Australian Standards is setback from the boundary where possible. Further a layering design response has been implemented through providing boundary landscaping to support softening of the public domain area. An important third element is how the built form façade, which the eye is ultimately drawn to as the backdrop, is designed to be visually dynamic. This is particularly pronounced along Murrel Street (Road 22). The built form façade is angled intentionally to create visual interest at a human pedestrian scale to support a softened and attractive appearance. The proposal therefore can meet the objective of an attractive public domain and meet functional requirements for this use. Noting the above if further treatment is deemed as required Stockland can further mitigate impact by choosing an alternate colour palette.
Use of Clause 6.7 and Additional Advice/resolution Council disagrees with the applicant's position that Clause 6.7 can be varied under Clause 4.6, maintaining instead that Clause 6.7 is a prohibition clause rather than a development standard. Council warns that approving the application without addressing this would constitute an error of law. As a resolution, it proposes that the ground floor parking be lowered by approximately one metre so that it qualifies as a basement, thereby ensuring that the ground	Stockland maintains its position that Clause 6.7 of the RLEP is a development standard and not a prohibition. This is confirmed by the attached legal advice from Minter Ellison (Appendix A), which distinguishes Clause 6.7 from the provisions considered in the <i>AS Investment</i> and <i>Karimbla</i> cases which were raised by Council. Unlike those cases, Clause 6.7 regulates the configuration and use of ground floor areas, rather than imposing a blanket prohibition tied to land attributes. On this basis, Clause 6.7 falls within the definition

Council RFI (22 July 2025)	Applicant's response
level can be used for active commercial purposes as required.	of a development standard under the EP&A Act and is capable of variation pursuant to Clause 4.6. The Clause 4.6 request submitted with the application is therefore valid and must be considered by the consent authority.
Flooding Council considers the updated flood study inadequate, noting the absence of pre- and post-development flood maps, afflux maps and comparative modelling data. It is particularly concerned that floodwaters appear to be diverted to the adjoining property at 17–23 Talavera Road, which it finds unacceptable. Council also stresses that the existing stormwater system in Talavera Road is under-sized and must be upgraded to prevent surcharge and protect the data centre's critical infrastructure. It requests that civil plans for the drainage upgrade be prepared or, failing that, will seek conditions of consent requiring the works.	A meeting was arranged with Council's Flood Engineer on 25 August 2025 at Stockland's request. The purpose of the meeting was to clarify Council's RFIs, given Council's comments appear to have overlooked the information provided on several occasions and/or misunderstood the flood report. Stockland's position, as demonstrated in the Northrop Flood Assessment report is that the existing conditions remain unchanged. This is because the adjoining development at 17-23 Talavera Rd (with its recent DA approved works) have made the site generally flood free. As a result, the existing flood behaviour in the vicinity of the subject site is expected to remain unchanged post development and therefore does not trigger a requirement to upgrade Council's stormwater network. Please refer to Attachment B for a detailed response to each of the matters raised in Council's RFI.

Table 2 Response to EPA comments

EPA RFI (28 May 2025)	Applicant's response
Air quality The EPA previously identified air quality issues with exceedances for Nitrogen Dioxide at multiple residential receivers (Receivers R1 to R3) during routine maintenance and testing (Scenario 2) and cumulative simultaneous	ARUP has undertaken additional computational fluid dynamics (CFD) modelling. The results indicate some minor exceedances of Nitrogen Dioxide at sensitive receivers under certain scenarios. However, it is noted that the final design and configuration of adjacent developments on the site are not yet resolved, and as such it is proposed that further CFD

EPA RFI (28 May 2025)	Applicant's response
testing with existing adjacent data centres (Scenario 3). The EPA understand the applicant will undertake three-dimensional computational fluid dynamic modelling to complement existing air quality dispersion modelling. This modelling will provide a more accurate assessment of potential impacts on sensitive receptors. The EPA is willing to be consulted further should this information be provided, as it would recommend air quality conditions to DPHI for consideration and potential inclusion in any approval for the project.	modelling be undertaken once those designs are locked in to ensure compliance with the relevant criteria. Should the towers proceed, future CFD modelling and associated mitigation measures will be assessed and implemented, individually or in combination, to ensure the project operates without causing adverse air quality impacts at nearby sensitive receivers. For further detail, please refer to Attachment C for ARUP's advice.

Kind regards,



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