

Submission to NSW Planning

Regarding: Project Mars Data Centre

Application Number SSD-82052708

I am a long-term resident of Hallam Avenue and have lived in the Lane Cove area for over 27 years. I write to formally object to the above State Significant Development application. This submission is made in accordance with the **objects and assessment requirements** of the Environmental Planning and Assessment Act 1979 (EP&A Act), particularly sections **4.15 and 4.36**, and relevant State Environmental Planning Policies (SEPPs).

1. Failure to Satisfy Section 4.15 of the EP&A Act

Under **Section 4.15(1)** of the EP&A Act, the consent authority must consider:

- Environmental impacts (including cumulative impacts)
- Suitability of the site
- Public interest

This proposal fails to adequately address these matters.

2. Noise Concerns

Legislative context

Under **Section 4.15(1)(b)**, the consent authority must consider **likely impacts of the development**, including environmental and amenity impacts.

Additionally, the proposal must align with the **State Environmental Planning Policy (Resilience and Hazards) 2021**, which requires consideration of impacts on surrounding land uses and environmental risk.

Key issues

Inadequate assessment of operational noise

The EIS relies on compliance-based modelling but does not sufficiently address:

- **Low-frequency noise**, which is known to travel further and penetrate buildings
- **Tonal and continuous noise** from cooling plant

- **Sleep disturbance impacts**, contrary to NSW Noise Policy principles

This is inconsistent with accepted NSW noise assessment frameworks, which require **real-world amenity protection**, not merely numeric compliance.

Cumulative impacts not properly addressed

Section 4.15 requires assessment of **cumulative impacts**, yet:

- Multiple data centres exist or are proposed within ~600m
- Simultaneous operation of backup generators across facilities is acknowledged but not fully modelled

This represents a failure to properly assess **precinct-level noise impacts**, particularly during emergency scenarios.

Impact on sensitive receivers

The proposal is located within close proximity to:

- Residential dwellings
- Blackman Park
- Lane Cove West Public School

These are **sensitive land uses** requiring a higher standard of protection under planning principles.

3. Fire Safety and Hazard Risk

Legislative context

The proposal must be assessed under:

- **Section 4.15(1)(b)** – impacts, including risk
- **Section 4.15(1)(e)** – public interest
- **State Environmental Planning Policy (Resilience and Hazards) 2021**, particularly provisions relating to **hazardous and offensive development**

Key issues

Classification as potentially hazardous development

The scale of:

- Diesel storage

- 49 backup generators
- High electrical load (~90MW)

suggests the development may fall within or approach “**potentially hazardous industry**” thresholds under the SEPP framework.

However, the EIS does not demonstrate a sufficiently rigorous:

- **Quantitative Risk Assessment (QRA)**
- **Worst-case scenario modelling**

Inadequate buffer distances

Best practice land-use planning requires **adequate separation** between hazardous uses and sensitive receivers.

In this case:

- ~50m to residential areas
- ~160m to a school
- Direct adjacency to public open space

This raises serious concerns about **site suitability under Section 4.15(1)(c)**.

Emergency and cumulative risk

The clustering of multiple data centres introduces:

- **Compounding fire risk**
- Increased likelihood of simultaneous generator operation
- Greater emergency response complexity

This is not adequately addressed and is inconsistent with the precautionary principles embedded in NSW planning law.

4. Community Impacts – Blackman Park, Local Clubs, and School

Legislative context

Under **Section 4.15(1)(d)**, the consent authority must consider **submissions made in the public interest**, including impacts on community facilities and social amenity.

The proposal must also align with the **State Environmental Planning Policy (Transport and Infrastructure) 2021**, which emphasises protection of community infrastructure such as schools.

Impact on Blackman Park

Blackman Park is a key recreational asset. The proposal would:

- Introduce **industrial noise** into a passive recreation area
- Create significant **visual bulk (28m height)**
- Diminish the **amenity and usability** of the park

This is inconsistent with planning principles requiring protection of **public open space and recreational land**.

Impact on Local Sporting Clubs

Blackman Park supports numerous organised sporting groups. Impacts include:

- Noise disruption to training and competition
- Reduced community participation due to degraded amenity
- Safety concerns due to proximity to hazardous infrastructure

These impacts represent a **social cost not justified by the development**, contrary to the public interest test under Section 4.15(1)(e).

Impact on Lane Cove West Public School

The proximity of the development to a primary school raises serious concerns:

Educational impacts

- Continuous background noise affecting concentration
- Potential disruption during generator testing or emergency operation

Health and safety risks

- Exposure to diesel emissions
- Proximity to hazardous industrial infrastructure

Under the Transport and Infrastructure SEPP, developments must consider impacts on **educational facilities**, which has not been adequately demonstrated.

5. Site Suitability and Land Use Conflict

Legislative context

Under **Section 4.15(1)(c)**, the consent authority must consider **whether the site is suitable for the development**.

Key issues

- The site sits at the **interface of industrial and sensitive land uses**
- Direct adjacency to:
 - Residential areas
 - Public open space
 - A school

This creates a **clear land-use incompatibility**, particularly for a **hyperscale (90MW) data centre**.

The proposal effectively introduces **strategic-scale infrastructure** into a location not designed to accommodate its impacts.

6. Public Interest

Under **Section 4.15(1)(e)**, the proposal must be in the public interest.

While data centres provide broader economic benefits, this must be balanced against:

- Localised environmental and social impacts
- Minimal ongoing employment (~26 jobs)
- Long-term industrialisation of a community-adjacent precinct

The proposal fails to achieve an appropriate balance and therefore **does not satisfy the public interest test**.

7. Compliance Failures in Existing Data Centre Operations

A critical and often overlooked planning consideration under Section 4.15(1)(b) of the EP&A is whether predicted impacts in an EIS can be relied upon in practice. Recent evidence from an existing data centre in Lane Cove raises serious doubt. Citing a recent article in a local news source:

<https://inthecove.com.au/2026/04/28/lane-cove-data-centre-compliance/>

Demonstrated failure of “modelled vs real-world” assumptions

The article reports on the AirTrunk SYD2 Data Centre revealing that:

- Required noise verification reports were not submitted, despite being mandatory consent conditions
- A Long Term Environmental Management Plan is several years overdue
- Actual operational noise has exceeded approved limits by up to 11 dB(A) at nearby residences

This directly undermines the reliability of predictive modelling used in the Project Mars EIS. The planning system relies on staged verification precisely because real-world impacts often differ from predictions—yet those safeguards have demonstrably failed in this precinct.

Breakdown in regulatory oversight

This highlights a systemic issue:

- NSW Planning is effectively the sole compliance regulator
- No Environment Protection Licence applies
- No secondary agency oversight exists
- Required compliance documentation has not been enforced

This creates a significant planning risk:

Conditions of consent are only meaningful if they are enforced. Evidence suggests that enforcement in this precinct has been inadequate.

Fire safety compliance concerns

The article also identifies serious deficiencies in fire safety oversight:

- Fire and Rescue NSW confirmed key fire safety documentation had not been submitted
- Claims made by the operator about compliance were later contradicted by regulators

This raises a critical legal issue under:

- Section 4.15(1)(b) – risk and environmental impact
- Section 4.15(1)(e) – public interest

If compliance cannot be verified for an existing facility, it is not reasonable to assume compliance for additional, larger developments.

Implications for Project Mars

The relevance to this application is direct and substantial:

1. EIS reliability is undermined

- The Project Mars assessment relies on predictive modelling
- Evidence shows those predictions may be materially inaccurate in operation

2. Compliance cannot be assumed

- Existing facilities have failed to meet basic reporting obligations
- There is no demonstrated mechanism ensuring future compliance

3. Cumulative impacts are already exceeding expectations

- Noise exceedances are already occurring
- Multiple additional data centres are proposed in the same precinct

Legal and planning conclusion

NSW Land and Environment Court authority (e.g. *Boral Cement Ltd v Shoalhaven City Council* [2023] NSWLEC 103) emphasises that real operational impacts must be considered over theoretical compliance.

This evidence demonstrates that:

- The planning framework in this precinct is not functioning as intended
- The consent conditions designed to manage impacts are not being enforced
- The risk of uncontrolled cumulative impacts is high

Until:

- Existing facilities are brought into full compliance
- Independent verification of real-world impacts is undertaken
- A robust, enforceable compliance framework is demonstrated

no further data centre development should be approved in this precinct.

Conclusion

For the reasons outlined above, the proposal:

- Fails to adequately address **Section 4.15 considerations**:
 - Environmental impacts will be adequately controlled
 - Conditions of consent will be effective
 - The development is in the public interest
- Is inconsistent with the **Resilience and Hazards SEPP**
- Creates unacceptable impacts on:
 - Residential amenity
 - Blackman Park
 - Local sporting groups
 - Lane Cove West Public School
- Represents an **inappropriate land-use outcome**

Recommendation

I respectfully request that the NSW Department of Planning:

1. **Refuse the application** in its current form; or
2. Require substantial modification, including:
 - Increased setbacks and buffering
 - Reduction in scale and generator capacity
 - Comprehensive cumulative impact assessment
 - Independent peer review of noise and hazard risks; and
3. **Take additional steps necessary** to address the non-compliance of existing data centre development and adopt the requisite compliance framework to ensure public safety based on these real-life issues **before** advancing any proposals for additional, and larger scale developments.