

# ATTACHMENT 1

## City of Ryde Submission

**DATA CENTRE - SSD-24299707  
17-23 Talavera Road, Macquarie Park**

**Alterations and additions to an existing data centre including relocation  
of drainage easement & pipes and tree removal**

**Submission Date: 21 January 2022**

## EXECUTIVE SUMMARY

Thank you for inviting City of Ryde to comment on the proposed Data Centre proposal submitted under SSD-24299707. This submission is being made in response to SSD-24299707 lodged with the Department of Planning, Industry and Environment and in accordance with extension of submission deadline agreed by Department.

### Summary of proposal:

The application seeks the following:

- Construct a 5 storey building extension, comprising additional 9,097m<sup>2</sup> of GFA;
- Relocate existing drainage easement to outside of proposed building footprint;
- Removal of 55 trees from within the site;
- Increase Data Centre capacity by an additional 33MW;
- Additional 18 backup generators, diesel storage capacity for 418,000L
- 71 Car parking spaces

Council had issued a correspondence to the applicant/owner (copied to DPIE by email) on 23 December 2021 and subsequently a meeting was held between Council Officers, DPIE Officers and the Applicant's representatives. The correspondence clearly indicated Council's position in regard to the drainage easement and relocation proposal. Council is of the view that the applicant/developer must pay the full cost of the relocation of the pipe and easement as part of this new SSD application. The applicant is yet to respond to Council's recent correspondence and clarify their position regarding the matter.

Council officers have undertaken a review of the SSD Application placed on public exhibition and have concerns with certain aspects of the proposal including the proposal to relocate drainage easement. These concerns relate to matters including:

- significant loss of trees on the subject and neighbouring site,
- building over drainage easement and impact on infrastructure,
- lack of clarity regarding proposed drainage easement and drainage works,
- lack of staging plan for delivery of drainage works,
- costs and risks to Council with respect to realignment of drainage
- lack of adequate details,
- stormwater design issues,
- car parking and maneuvering issues,
- lack of adequate landscaping and deep soil area,
- inadequate building side setbacks, inappropriate location of building envelope and design/ visual impacts.

Details of the above issues are included in the submission and are discussed below. It is recommended that the application be amended to address these issues and additional information be made available for Council to review the matter again before any approval is granted.

Each of the issues are detailed below:

### 1. Impact on trees on the site

Following an arboricultural review of the plans and documentation forming part of the SSD Application, concerns are raised in relation to the extent of vegetation removal including multiple large, locally endemic trees. These trees were required to be retained under existing development consent that apply to the site.

The proposed built form and external access arrangements have given no consideration to the retention of existing, significant vegetation on the site. Failure to consider retention of this vegetation during the design development process has resulted in a scheme which is unsympathetic to existing vegetation, the established character of the subject site and affords a poor contribution to the surrounding landscape setting.

The proposed works in their current form will require the removal of an additional thirty-one (31) trees which were to be retained and protected under Condition 21 of the Development Consent associated with LDA2018/0322. These trees approved for retention and now proposed for removal include Tree 47, 48, 51, 54, 55, 56, 57, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 & 85.

Most of those affected trees are primarily located along the north western boundary with a smaller number positioned adjacent to the southern boundary and within the front setback.

The extent of the proposed tree removal along the northwestern and southwestern boundaries and the loss of deep soil area on the site is unacceptable. The impact of the tree loss will be permanent as most of the proposed replacement trees are not located in the original western side setback or rear setback zones, where the impact is most significant. The proposal should be designed to retain these existing trees for the following reasons:

- a) The trees are significant vegetation that contributes positively to the visual amenity and environmental aspects of Macquarie Park. The replacement of soft planting and trees with a 6m wide driveway along the boundary will negatively impact the amenity of the adjoining site and the future public domain of Road 1. It will not meet the objective of 'better performance' and 'better look and feel' under GANSW's Better Placed framework.
- b) The Macquarie Park Corridor DCP sets out an objective in Section 7.4 to "*retain and reinforce the existing character of green setbacks with mature planting*". Green setbacks are an important component of the existing and desired future character of the Macquarie Park Corridor. All developments within the area are required and expected to provide generous landscaped setbacks along the front, side and rear boundaries. This SSD should not be an exception.
- c) The trees are located at the peripheries of a large development site with a total

area of 20,094sqm. On a large site like this, the removal of the trees can be avoided if designed appropriately. The extent of tree removal required to accommodate the proposed expansion is a sign of overdevelopment and indicates an inappropriate built form approach. It does not meet the objective of 'better fit' in GANSW's Better Placed framework.

- d) The Ryde Local Strategic Planning Statement (LSPS) has set out a vision for Macquarie Park to become a CBD in a natural setting. The significant tree loss as a result of the proposal does not align with City of Ryde's vision for Macquarie Park.
- e) The design under the existing approval (LDA2018/322) was able to retain these existing significant trees. Condition 21 of the existing approval also specifically prescribes the trees to be retained on the site.
- f) A number of trees proposed for removal are of a species consistent with those listed under two Critically Endangered Ecological Communities (CEEC), being Blue Gum High Forest in the Sydney Basin Bioregion (BGHF) and Sydney-Turpentine-Ironbark Forest in the Sydney Basin Bioregion (STIF).
- g) Further impacts on trees would result as a result of drainage works (based on the future drainage alignment plans) which may not have been factored

The Applicant should consider a more compact building envelope on the site and setback the building sufficiently from existing large trees in the side and rear setback zones to retain the existing vegetation. A potential solution can be to redevelop IC2 together so that a large portion of the building area can be allocated to the north-eastern part of the site so as to avoid the adverse impacts on the existing trees and the adjoining property.

## **2. Impact on trees on adjoining site**

Further concerns are raised in relation to the extent of impact to be sustained to existing trees located on adjoining site.

The works are also expected to result in substantial impacts to neighbouring Trees 29, 30, 38, 39, 40, 43, 52, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 102, 104, 108, 111. The assessment of impact to these trees have not been fully considered by the Arboricultural Impact Assessment and therefore it should not be relied upon to form an accurate description of impacts to existing trees on site.

The development should not be approved that results in loss of trees on neighbouring site.

## **3. Inadequate Ecological Impact Assessment**

Despite the extent of vegetation clearing outlined above, no assessment of the ecological impacts has been undertaken to demonstrate the proposal is acceptable with regards to impacts to flora and fauna on site. Whilst acknowledged the Planning Secretary of the Department of Planning, Industry and Environment has determined

that the proposed development is not likely to have any significant impact on biodiversity values, and subsequently waived the requirement for a BDAR, it is maintained that insufficient information has been provided to determine what level of impact is to be imposed upon flora and fauna species.

Of particular note is the removal of Trees 36, 45, 47, 51, 54, 56, 62, 66, 71, 76, 77, 78, 119 & 121 which are of a species consistent with those listed under two Critically Endangered Ecological Communities (CEEC), being Blue Gum High Forest in the Sydney Basin Bioregion (BGHF) and Sydney-Turpentine-Ironbark Forest in the Sydney Basin Bioregion (STIF). Although the documentation provided asserts that site vegetation is likely to have been planted following land clearing works undertaken prior to 1943, it remains unclear what ecological value this planted, but well-established, CEEC vegetation holds.

#### **4. Landscaping**

Only a limited area has been provided for landscaping and deep soil zone. The proposal has inadequate provisions of communal open space and fails to meet the minimum 20% deep soil area, as well as the minimum 20% landscaped area under RDCP2014. Further, no substantial attempt at screening the bulk of the proposed building form via the use of landscape screen planting.

The proposed development has been calculated as having a non-compliant landscaped area, being calculated at approximately 2,695m<sup>2</sup> or 13.65% of the site area – failing to adhere to the 20% minimum requirement under Section 8.2(d) of Part 4.5 of the RDCP 2014. In order to achieve compliance with this above control, an approximate additional 1,255m<sup>2</sup> of landscaped area is required to be provided. Similar to the lack of deep soil, insufficient landscaped area results in minimal opportunities for soft landscaping to be provided to ensure the proposal makes a positive contribution to the local landscape character.

#### **5. Deep Soil Area:**

The proposed development has been calculated as having a non-compliant deep soil area, being calculated at approximately 1,355m<sup>2</sup> or 6.90% of the site area – failing to adhere to the 20% minimum requirement under Section 8.2(a) of Part 4.5 of the RDCP 2014. In order to achieve compliance with this above control, an approximate additional 2,593m<sup>2</sup> of deep soil area is required to be provided. The lack of deep soil provided limits opportunities for the provision substantial canopy tree planting to assist in softening the proposed built form and integrating the site with the surrounding landscape character.

#### **6. Communal Open Space (COS)**

No consideration has been given to the provision of ground floor communal open space areas which afford amenity to staff members and visitors to the site. Given the scale of the development and nominated personnel to be on site as outlined in the Plan of Management, it is considered important that quality useable communal open space is provided on site. Given the lack of communal open space, additional concern is raised in relation to the ability of any COS to provide suitable levels of solar access.

## 7. Rights to build over the easement

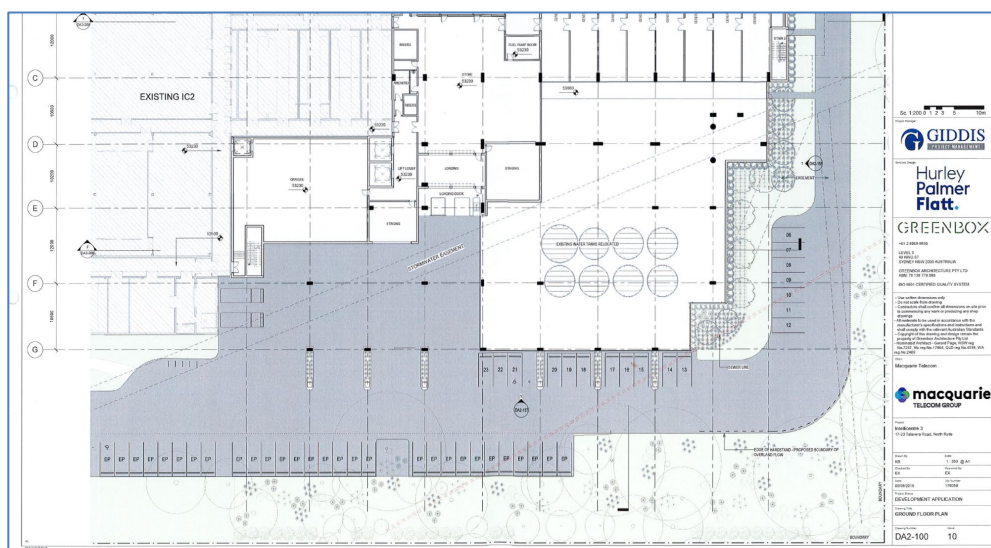
In its response to SEARs request, Council had raised an issue regarding construction of private development over a public easement. It should be noted that City of Ryde has not granted its consent as the beneficiary of the easement for applicant to build over it, with respect to this SSD proposal. Council's rights and interests under the terms of the easement are not affected by the provisions of clause 1.9A(1) of the Ryde Local Environmental Plan 2014 by virtue of clauses 1.9A (2)(a) and (3) of that Instrument.

## 8. Previous LDA Approval

It is the applicant's intention not to proceed with Stage 2 works identified under a former LDA proposal but rely on a much more extensive proposal under the current SSD (Larger footprint, 5 storey with additional 9,097m<sup>2</sup> GFA). On this basis the applicant cannot pick and choose elements of what may have been possible under the previous approval.

Previous agreements for the site, amongst other things, allows Council to convey stormwater within a different alignment to that existing under the building. It is a requirement that the new easement under Dealing AP628954H must remain clear of any buildings and obstructions. It was always intended via the deed to have the easement free of restrictions, that is, no building above it. The deed and the terms of the easement also creates legal rights for Council over the land that the DPE may not have power to override.

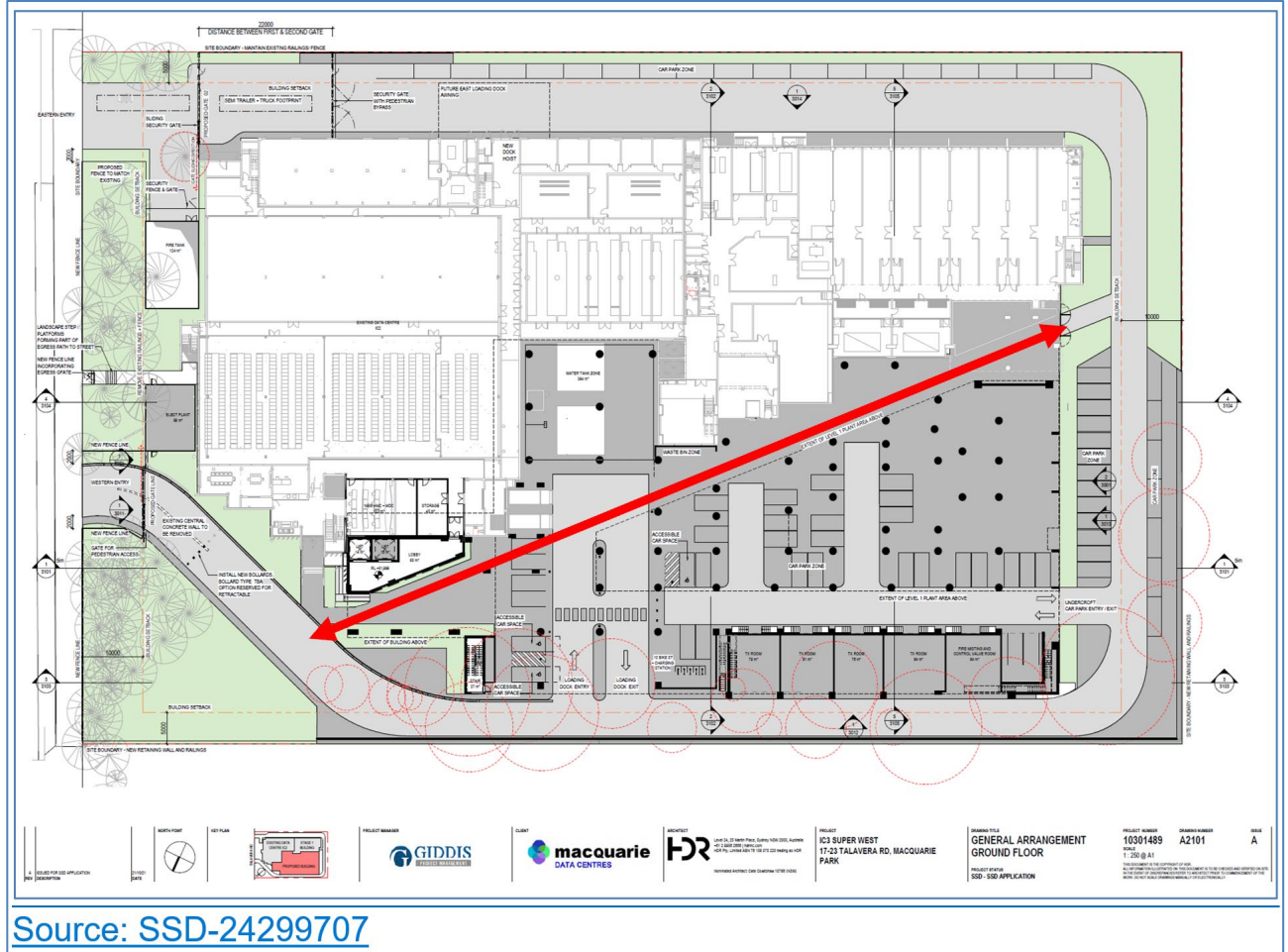
The agreement gives Council 20 years to relocate the pipe. The existing easement is to remain in place until the pipe is relocated into the new easement that has been registered on the Title. The design approved under LDA2018/322 allows for adequate clearances in terms of height and width over the existing easement in case Council is required to complete any work within the existing easement. Refer to extract of plan below showing comparatively smaller footprint over the existing easement.



Source: LDA2018/322



The current SSD comprises of a more extensive development and seeks to build on the existing easement as well as the location of the new easement agreed in LDA2018/322. The building footprint over the existing pipe is much greater compared to previous approval and parts of the building encumbering over the easement that will limit access for maintenance and replacement will be much greater.



Source: [SSD-24299707](#)

Council considers the SSD proposal as a new application with a substantial increase to the footprint of the building over the easements, thereby restricting Council’s ability to maintain the existing easement, increasing the costs of future maintenance/relocation and increase in risk and liability to Council with no inherent benefit to the community.

The SSD also seeks to relocate the easement further to the north western side with much longer run which is likely to incur greater costs on Council due to the longer run of the easement and there are also environmental concerns as detailed in this submission. Council will need the proponent of the new proposal to bear the costs associated with relocation of the easement and the stormwater pipe once or if any agreement is reached on a suitable location and specifications of the proposed new easement. In particular, the drainage relocation works must then occur with the SSD prior to the issue of any Construction Certificate.

## **9. Construction over existing pipe/ easement and proposed new easement**

The proposal is to further extend the building over existing pipeline located in existing easement, build over the new easement (which is currently outside the existing building footprint) and provide an alternate easement (proposed new easement) along its north western boundary for future relocation of the trunk drainage.

The proposed building footprint and scale is substantially larger than any previous proposal on the site.

The proposal to build over existing and the new easement would result in a significant risks, constraints and cost burden on Council which are deemed unacceptable as mentioned previously. Location of a building over existing pipe and easements creates a confined working environment which poses restraints on future stormwater pipe works for maintenance and its replacement/ relocation. No matter what sort of clearances are provided, if the building is over the easement, it is likely to increase costs, risks and liability for Council. These matters are discussed below:

### **a. Inadequate Clearance and increased risks**

Despite the applicants insistence that the development will maintain clearance from the services, the plans seems to depict new columns in the existing easement or close to it (that contains the pipes) such that it presents considerable implications in terms of construction logistics and additional costs burden on Council. The proposal depicts various concerns with respect to existing easement and drainage infrastructure:

- i. The new works entail increased number of columns over a longer distance adjoining the existing easement, with some appearing to be located over the line. This will increase risks for Council and will hinder access to the trunk drainage line for maintenance. The new development is bigger in size and covers greater area over the easement which means that getting access to the easement is futured hindered. Accordingly, the revised application presents substantially less opportunity to access the drainage line, even for minor repair works which may be required.
- ii. The retention of the drainage service (1800mm diameter) under the building presents a significant compromise to the security of the building given it has to be readily accessed from the public domain. Council will not permit any access prevention measures (such as grates, etc) to be implemented in the service, due to the potential for blockage. The configuration also does not allow unrestricted access to the site which may be required in the event of an emergency (blockage of the line).

### **b. Drainage works to be done during construction of building works, by the developer**

The proposal to expand the building over existing easements would result in increased future risks, liabilities and costs for Council. For this reason, Council



is of the view that the easement relocation and relocation of the existing trunk drainage pipe should occur before the construction of the building that is proposed under the SSD Application.

The development significantly increases Councils exposure to potential property damage should the service be subject to partial structural failure or in the process of Council undertaking maintenance works on the service. The risk of damage is exacerbated by the sensitive use of the building as a data centre, which would accommodate components and systems unlikely to tolerate vibration arising from any such works or any excavation in the building footprint could sever power to the building.

These matters are further elaborated below:

#### **i. Substantial safety concerns due to the Introduction of Hazards**

Undertaking stormwater pipe works after the construction of the proposed development would result in major problems for Council including the following:

- Council's ability to freely access the services in the easement would be compromised given the sensitive nature of land use (data centre);
- A tight working area which will present an increased risk of plant, personnel and structure collision and damage;
- Working within the trench and under the building clearance will be a limited space and will also pose hazards due to potential falls from height and deep excavation risks;
- The exchange of old and new materials will have to be handled over open excavation, in front of the excavator and confined area.

#### **ii. Substantial Increased costs for Council**

The restricted access will require a convoluted construction methodology for Council to access these services, thereby resulting in:

- An unacceptable increase in resources and construction cost for Council when undertaking any such works after the building is built;
- A considerable increased exposure to the risk of property damage and claims incurred through the delay or disruption of business operations associated with the proposed development;
- Will exacerbate the degree of burden to the future occupant of the development due to the extended duration of such works;
- Due to the nature of the work (bulk excavation and large scale civil works) the ramifications of any damage to the private structure would be severe and costly, not only in terms of the cost of structural repairs but also with respect to any costs, claims or damages which Council would incur should the occupant of the development have to temporarily evacuate the site and suspend business practices.

- Council would be required to obtain Public Liability Insurance factoring into possible damages to the building;
- Potential damage to the newly constructed structure;
- Additional geotechnical costs due to the backfilling and testing;
- Potential additional plant costs, resulting from a non-standard equipment's and machinery to fit under the building;
- Additional survey costs;
- Additional costs associated with the relocation and excessive length of new pipe/ easement;
- Double handling of materials in and out of the working area;
- The lack of stockpiling areas adjacent to the excavation, under the building;
- Use of additional safety measures such as spotters due to the tight and confined space working area;
- Cost increases due to inflation.

### **iii. Potential damage to property**

Potential damage to the newly constructed building structure could result from a large excavator required to work in a small area. Due to the depth of excavation and relatively large size of stormwater pipes, heavy machinery and large excavator would be required.

### **iv. Drainage proposal to benefit Developer**

The Application seems to imply that the proposed new easement would benefit Council and thus Council should pay for the drainage relocation. On the contrary Council is opposed to the proposed relocation of easement and is of the view that the works are solely required due to the expansion needs of the developer. Council did not initiate this requirement. The diversion of the pipe would benefit the applicant, by enabling a greater unencumbered area for the expansion of the building footprint.

Further, the pipe relocation is not an improvement to Council's stormwater network, as it adds more pits, changes in direction and increases its length. The compromised flow and loss are expected to be compensated by the increase in diameter of the pipe.

Council does not contribute financially to works that solely benefit the developer. If the applicant intends to free up the site to make way for the bigger building by shifting the easement and the pipe, then logically the Developer needs to pay for the costs of relocation. The requirement that applicant redirect Council stormwater pipes, at their own cost, is compliant with our RydeDCP2014, and consistent with previous advice provided to the applicant/ developer. The Applicant has failed to provide any details in the application as to who will carry out the easement relocation, staging plan and costings details.

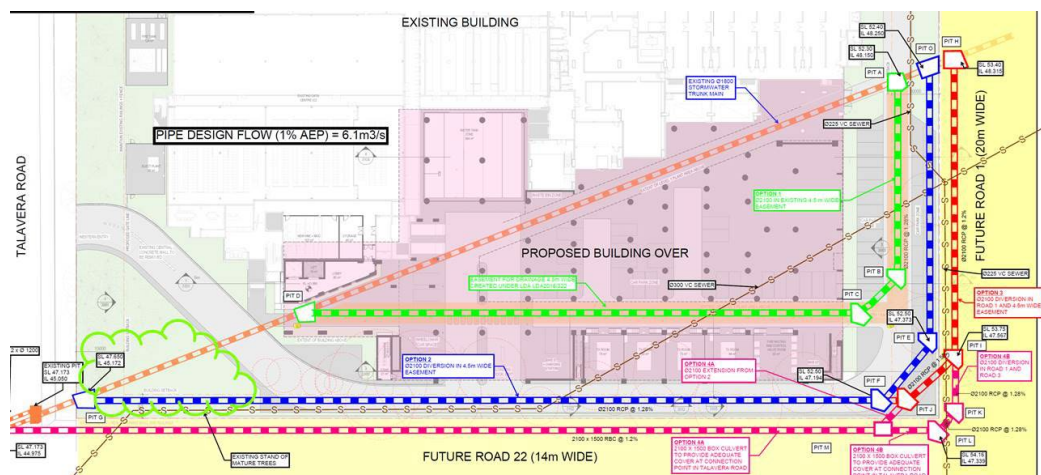
**v. Not in accordance with RDCP2014**

The proposed development is therefore not in accordance with the Respondent's DCP Part 8.4 (Title Encumbrances) - Section 2.1.3 "Building near or over a Drainage Easement" and DCP Part 8.2 (Stormwater Management) – Section 1.6.2 "Building adjacent to Easements, Piped Drainage Systems or Natural Watercourses".

**10. The SSD documents include a proposal to relocate the existing stormwater easement.**

There are several concerns in relation to this proposal seeking to build over the existing easement and create a new separate easement. These issues are highlighted below:

- a. It is Council's position that the existing easement which is clear of the current and stage 1 building works must not be built upon and must always remain clear of any obstructions/ structures.
- b. There are several options shown on the easement realignment options proposal and it has not been indicated as to the applicants preferred option.

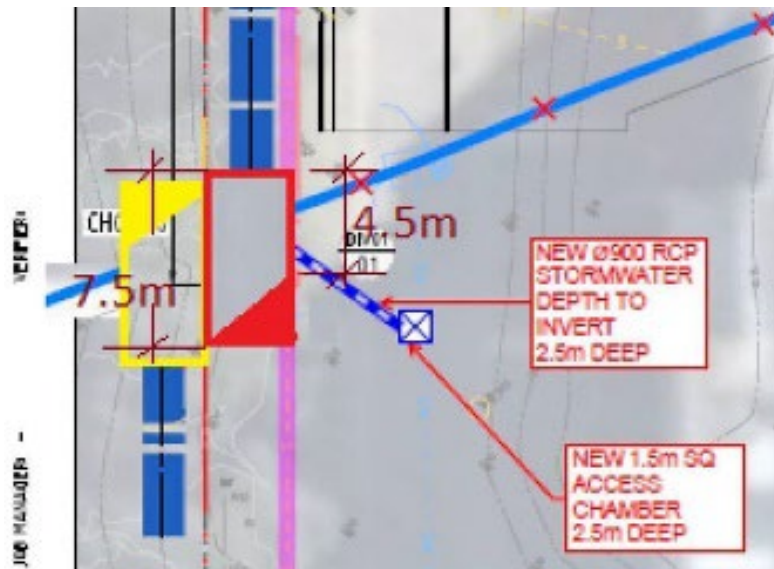


**SSD easement realignment Options (Source: Northrop)**

- c. Options 3, 4A & 4B (shown in red colour) are not considered feasible as they are located outside the subject property for which neither Council nor the applicant has control over at this stage. The SSD Consent cannot incorporate development on land that is not part of the subject development site. It should also be noted that future Road 22 as shown on the above plan is not in the correct location. Future Road 22 has already been approved by Council in a different location.
- d. Assuming Option 2 (shown with a blue line) is preferred by the applicant, the option has various issues for which the option is not feasible and not supported by Council for the following reasons:

- i. Applicant has not confirmed if the proposed easement and the relocation of the pipes into the new easement would be delivered by the applicant as part of the SSD.
- ii. The applicant is seeking to relocate the existing easement further to the north western side boundary (blue line), an alignment that is about twice as long as the existing pipes in the existing easement. The diverted easement will incur additional construction cost due to the appreciable difference between the present easement and proposed diversion, owing to the longer line and additional junction pits. This will also incur an increased maintenance cost. Council, at the very least, should not have to bear this cost.
- iii. The works to be carried out by the applicant. Relocation of easement is required by the developer for their development and it is Council's contention that the costs of easement and pipe relocation must be borne by the developer/ applicant as part of the SSD development works. The relocation of pipeline works would need to occur during or before the construction of the building.
- iv. The length of new easement would require much longer pipes and associated infrastructure compared to existing easement located under the building.
- v. The side setback of 5m required under RDCP2014 has not been provided, that also requires landscaped setting and trees to be retained. The proposed easement results in removal of most of the trees.
- vi. This option results loss of trees on the neighbouring property and the subject site (refer to comments on trees in this submission). The impact on the number of significant trees are unacceptable (see tree comments below) and requires the easement, the building footprint and the driveway to be moved further away from the north western side boundary. The proposal is not supported for this reason as well.
- vii. The Option lacks engineering details including the following:
  1. **Lack of clarity:** There is no clarity regarding how far away from the side boundary the edge of proposed easement will be located.
    - Plans are not dimensioned adequately.
    - The easement will require wider area along the building than shown on the architectural plan.
    - Provide setback dimensions and exact location of the easement from the boundary.
  2. **Upstream Boundary Pit** to be extended and shaped to avoid turbulences internally;
    - Boundary pit at Talavera. Details of this pit to be included, paying special attention to the cover of the pipe at this

point. Pit to be extended as per the diagram below (in red the pit required at 17-23 Talavera Road site, in orange the future pit outside the boundary). Pit to be shaped to avoid turbulences internally (e.g. red triangle).



- All pipe class to be Class 4.
  - All new pits to be designed to reduce hydraulic losses.
  - Including longitudinal sections with hydraulic grade lines.
  - Trees to remain to be marked,
  - Trees affected by new driveway and stage 3 building to be marked.
  - Trees affected ONLY by the new 2100mm pipe to be marked.
  - Alignment of the 2100mm to be adjusted at the northwest boundary to minimise the impact on trees. At the Southwestern boundary, the new 2100mm pipe to be adjacent to the boundary (easement to start at the boundary).
3. **Proper staging plan** will be required for consideration by Council. A staging plan showing the initial stages of the works proposed shall be provided. The stages plan must consider the following steps in order (these steps must be followed in order; a step cannot start until the previous step is completed):
- New 2100mm to be built by the applicant, as per plans approved by Council.
  - New 4.5m wide Easement to be created in favour of Council for the purpose of drainage stormwater.
  - Easement created for stage 2 to be extinguished.
  - Existing 1800mm Council pipe to be removed.
  - Old easement/s for drainage purposes in favour of Council, that are no longer required, to be extinguished.

- Structural works can start. No footing works can start until the existing 1800mm pipe is removed from the site.

#### **4. Architectural Plans to be updated.**

Architectural plans to be updated showing all Finished Flood Levels of all Ground Floors, with the intention to compare these levels with the Flood Levels provided in the Flood Assessment Report (Issue 1) prepared by Northrop dated 14/10/2021 (Northrop Ref: SY170095-02\_B01 [A]).

- e. The proposed easement alignment along the north western side boundary is poorly considered and results in the destruction of all significant vegetation/trees that were required to be protected on the site. A relocation option may only be considered by Council if it minimized impact on the trees and matter of costs of relocating the trunk drainage pipe is resolved prior to the SSD determination.

#### **11. Revised Engineering Plans Required to enable further assessment/ review:**

There are details missing that is required for Council to review the proposal. These include:

- a. A revised proposal to maximise retention of trees and also comply with Ryde Development Control 2014 – setback requirements, that is 5m clear landscaped setback along the north western side boundary.
- b. Provide a plan showing the preferred or proposed relocation option excluding all the irrelevant ones since some of the options currently shown are on the neighbouring property and cannot be considered under the current SSD.
- c. The Civil Engineering Plans prepared by Northrop, dated 22/10/2021, to be updated to include revised Option 2 (2100mm DIVERSION IN 4.5M WIDE EASEMENT) and address other matter highlighted under Section 9 above.

#### **12. Stormwater Management**

The development proposes an extensive increase in hardstand area yet has not accommodated OSD in the drainage system. This is unsatisfactory considering the scale of development and Council's DCP policy requirement for such a system.

The applicant has sought exemption from this based on a clause in the DCP which considers flood affectation. The intent of this clause respects that the implementation of onsite detention storage, typically below ground, may pose difficult to implement on a flood affected lot as they could be inundated or above ground tanks be dislodged and contribute to flood debris. This was resolved with the original application (LDA2018/322) by the implementation of large rainwater tanks located in the undercroft area which were to be anchored. The same system could be replicated in this proposal. Notably the applicant's consultant has supported parking in the region of flooding and therefore locating large rainwater tanks in this area should not pose a threat of being dislodged by flood water. The report also appears to claim that the



implementation of OSD would “negatively impact flood levels within the vicinity of the development” however this is not well clarified and considers only the impact on the site itself, not downstream areas which OSD seeks to mitigate.

Further to the above, whilst the development has provided WSUD devices to address the DCP controls concerning pollution, the stormwater system provides no rainwater storage.

### **13. Vehicle Access and Parking**

The proposed vehicle access and parking configuration has been reviewed and the following matters are noted;

- With parking maximums applying in this area, there is scope to remove the number of parking spaces on the site to retain a number of trees adjoining the rear boundary which will adjoin the future Road 1 and therefore may have an implications relating to parking in front setback along this new frontage.
- The gated entry at the western end is noted to at a diagonal angle to the access road and therefore is contrary to typical traffic control point design (ie perpendicular across the path of travel).
- The Transport report depicts a HRV vehicle accessing the loading bay however a portion of the swept path encroaches over the southern kerb when exiting. This may require adjustment of the plans to ensure the manoeuvre can be safely undertaken in one turn.

### **14. Inadequate side setback along north western side boundary (impact on trees)**

The extension of the building further to north west, pushing the driveway/accessway within the 5m setback, will result in the removal of existing trees with no opportunity for deep soil replacement planting. This is not in keeping with the vision of Macquarie Park Corridor, Sections 2, 7.4, 7.6, 8.2 & 8.6 of Council's DCP Part 4.5 – Macquarie Park Corridor sets out the vision, and objectives of the area. The setback area must remain landscaped (to retain existing trees).

The extension of the building to the north west, whilst within the required 5m setback does not satisfy the above vision and objectives within the Macquarie Park Corridor. The extension has pushed the driveway within the 5m setback requiring the removal of well-established trees that currently screen the existing site and provide a green setback. The removal of these trees takes away the landscape setting and landscape character. Furthermore, there is no ability to provide deep soil replacement planting within the side setback, makes the building visually imposing from the adjoining site as there will be no soft landscaping to screen and soften the building.

### **15. At grade car parking within the rear setback area.**

The proposed at grade parking along the rear south western boundary is not supported by Council. At grading parking is proposed within the rear setback. One of the objectives of having a setback is to provide landscaping so as to ensure that the landscape character of the area is retained and to screen and soften the

development from adjoining properties.

The proposal does not comply with Section 8.7 of DCP Part 4.5 which states (for at grade parking) – *parking areas must not be located within the front, side or rear setbacks*. The proposal to provide at grade parking within the rear setback does not satisfy Council's objectives to retain and provide landscaping and to minimise the visual impact of car parking on adjoining sites.

The failure to retain existing trees and provide replacement tree planting is a major concern as it does not satisfy any of Council's objectives in terms of landscaping and setback zones.

## **16. Plant rooms in front of building.**

The two large plant area/rooms (approx. 9m x 14m and 8m x 10m, height of between 5 to 6.5m) are proposed in front setback area adjacent to Talavera Road (behind the required 10m front setback zone). The location of the proposed plants rooms in front of the existing building does not appropriately address the streetscape. Whilst this is an existing building (facing the street), the introduction of 2 large unarticulated plant rooms in front of the building will detract from the existing front façade and the streetscape. The proposal is replying on planting to screen the large plant rooms however such prominent mechanical services should not be located within the front area where it is visible from the public domain. Given the size of the proposal the facilities should be located within the building itself. Council objects to the location of the plant rooms within the front landscaped area.

## **17. Bulk and Scale**

The following matters are raised for applicant's consideration:

- The height of the roof plant level is approximately 8m which is unusually high. It is recommended that the plant level be reduced to the absolute minimum to minimise the building bulk of the proposal.
- The screening along the edge of the roof level is supported, but the Applicant should explore the opportunity to setback the screening structure from the parapet as much as possible to reduce the visual bulk. That will assist the proposal in articulating the built form by creating a distinguishable 'body' and a 'cap'.
- Further articulation is required to break up the 84m long roofline on the south elevation (which will be an important façade to the future Road 1). The straight roofline on the south elevation needs to be broken up visually into two to three components. Strong articulation is also required to visually separate the new works from the existing IC3 building. This can be achieved by creating substantial indents on the elevation, height variation to the parapet and varying setbacks to Road 1, combined with colour and material changes.

## **18. Interface Design**

### **a. Talavera Road –**

- The proposed new fence along the Talavera Road frontage and the removal of the existing railings and fence are not supported. If any new

fences are required for security reasons, they should be setback and located behind the 10m landscaped setback zone to be screened by the landscape planting and reduce the prominence to the street.

**b. Façade facing Road 1 –**

- As stated above the proposed at-grade car parking off the internal access road near the future Road 1 frontage is not supported. The Macquarie Park Corridor DCP has an objective to “*minimise the visual impact of car parking on streets, public spaces and adjoining sites.*” Providing at-grade car parking visible from Road 1 is inconsistent with the desired future character of the area and will not meet the objective of ‘better fit’ and ‘better look and feel’ under GANSW’s Better Placed framework.
- Despite the potential level differences with the future Road 1 in the 63-71 Waterloo Road site, providing a retaining wall and railing along the frontage is not supported as they will create a hostile interface to the public domain. An appropriate approach is providing a 10m landscaped setback gradually terracing down from the road reserve to negotiate the level changes and avoid any fencing or railing along the frontage.
- If any fences are required along the Road 1 frontage for security reasons, they should be provided behind the landscaped setback zone to reduce their visual impacts, similar to the existing setting on Talavera Road.

**19. RLEP2014 Incentive provisions and VPA**

The proposal relies on incentive building height and floor space ratio provisions of the RLEP2014.

Council advises that the proposed SSD cannot rely on the previous VPA applicable under the DA.

As such a new VPA between Council and the applicant will be required to ensure that it is reflective of the proposed expansion and increase floor space as part of the proposed SSD. The applicant is advised to refer to Clause 6.9 of the RLEP2014. The VPA should be in place prior to any approval of the SSD.

**20. Conclusion**

City of Ryde appreciates the applicants need for the expansion of the data centre, however the design has not taken into consideration a number of critical issues that have been raised in this submission.

It is recommended that the application be amended to address these issues and additional information be made available for Council to review the matter again before any approval is granted. At that stage Council will be able to provide suggested conditions of consent.