



# **Request for Secretary's Environmental Assessment Requirements**

## **Proposed Data Centre**

**706 Mowbray Road West, Lane Cove North  
(Lot 10 DP 1179953)**

Prepared by Willowtree Planning on behalf of  
ARUP

**January 2021**

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Proposed Data Centre

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## PART A PRELIMINARY

### 1.1 INTRODUCTION

This Scoping Report has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of ARUP and is submitted to the NSW Department of Planning, Industry and Environment (DPIE) in support of a formal request for Secretary's Environmental Assessment Requirements (SEARs).

The Proponent is proposing to construct and operate a Data Centre on the Subject Site – 706 Mowbray Road West, Lane Cove North.

The Site is located within the Lane Cove Local Government Area (LGA) and is zoned IN2 Light Industrial under the provisions of *Lane Cove Local Environmental Plan 2009* (LCLEP2009). Development for the purposes of a Data Centre is permissible with consent within the IN2 Light Industrial zone pursuant to the provisions outlined within Part 3, Division 3, Clause 27 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Additionally, the Proposed Development satisfies the definition of State Significant Development (SSD) pursuant to Schedule 1, Part 25 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) as the Capital Investment Value (CIV) exceeds more than \$50 Million.

This Scoping Report provides a brief overview of the Proposed Development and the relevant planning framework that applies to enable the issuance of the SEARs, which will guide the preparation of a formal Environmental Impact Statement (EIS) for future development of the land.

Environmental considerations relevant to the Proposed Development have been identified pertaining to the following parameters:

- Soil and Water;
- Noise and Vibration;
- Air Quality;
- Biodiversity;
- Waste;
- Traffic and Transport;
- Hazards and Risks;
- Energy Efficiency;
- Heritage, including Aboriginal Cultural Heritage and Non-Aboriginal (European) Heritage;
- Visual Amenity and Site Design;
- Infrastructure and Services;
- Social Impacts; and,
- Economic Impacts.

The Proposed Development would promote the enhanced development of the Sydney Metropolitan Region, ultimately providing for employment opportunities and an advanced data storage facility, via means of a Data Centre to support the growth and development of IT infrastructure across the State in close proximity to the Sydney CBD.

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### PART B SITE ANALYSIS

#### 2.1 SITE LOCATION & EXISTING CHARACTERISTICS

The identified portion of land, that is the subject of this Scoping Report is legally defined as 706 Mowbray Road, Lane Cove North. The Subject Site comprises one (1) allotment as described in **Table 1** below.

Table 1: Site Identification	
Street Address	Legal Description
706 Mowbray Road, Lane Cove North	Lot 10 DP 1179953

The entire Site comprises a total area of approximately 1.757 hectares (ha) and is subject to the applicable provisions outlined within LCLEP2009. Access to the Site is currently obtained via Mowbray Road West along the northern boundary of the Subject Site, which contains proposed entry and exit points along the street interface, as well as being accompanied by turning loops within the identified land portion that would control traffic volumes accordingly.

The Site is situated approximately 9.24 km northwest of the Sydney CBD and 12.81 km east of Parramatta. It is within close proximity to transport infrastructure routes (predominantly the bus network), as well as sharing direct links with the wider regional road network, including Epping Road and the M2 Motorway. All of which provide enhanced connectivity to the Subject Site and immediate vicinity, as well as the wider locality. Additionally, the Subject Site is located within close proximity to active transport links, such as bicycle routes, providing an additional mode of accessible transport available to the Subject Site.

The Site's historical context is best described through its current light industrial setting, adjoining a densely vegetated environmental conservation area to the south, with the Lane Cove Tunnel infrastructure asset traversing the Site underground. Land surrounding the Site comprises the following land use zoning, including:

- IN2 Light Industrial;
- E2 Environmental Conservation;
- SP2 Infrastructure;
- RE1 Public Recreation;
- R2 Low Density Residential; and
- R3 Medium Density Residential.

The nearest sensitive land use is within the E2 Environmental Conservation zone, located to the south and west of the Subject Site containing bushfire prone land, and vegetative characteristics. Accordingly, mitigation and protection measures would be required as part of the future development proposed for the purposes of a Data Centre, in order to preserve the natural and ecological amenity of the Subject Site and surrounding area. It is noted, that there are residential receivers on the northern side of Mowbray Road West, which will require consideration with respect to acoustic and visual amenity as part of the overall design and operational outcomes as a result of the Proposal.

As mentioned above, the Lane Cove Tunnel infrastructure asset traverses the Site underground whereby consultation with Transurban has begun in relation to expectations and requirements as a result of the Proposal.

The Site is subject to the provisions outlined within LCLEP2009, which is the primary Environmental Planning Instrument (EPI) and categorises the Site within the IN2 Light Industrial zone, as displayed in **Figure 1** below. The Site and surrounding context are illustrated in **Figures 2 & 3** below.

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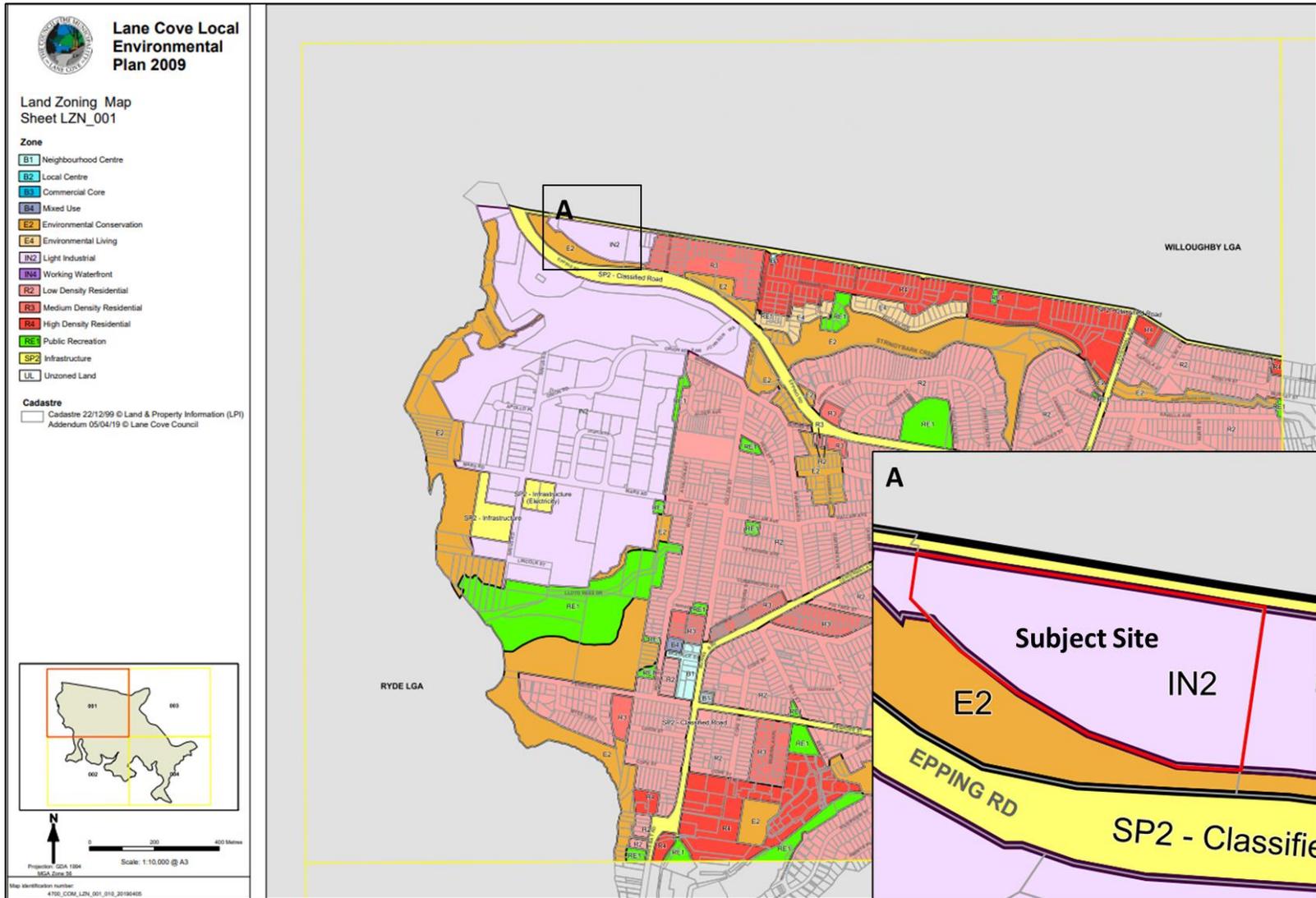


Figure 1 Land Zoning Applicable to the Subject Site under *Lane Cove Local Environmental Plan 2009* (Source: NSW Legislation, 2020)

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**Figure 2 Site Context and Surrounding Area (Source: Nearmaps, 2020)**

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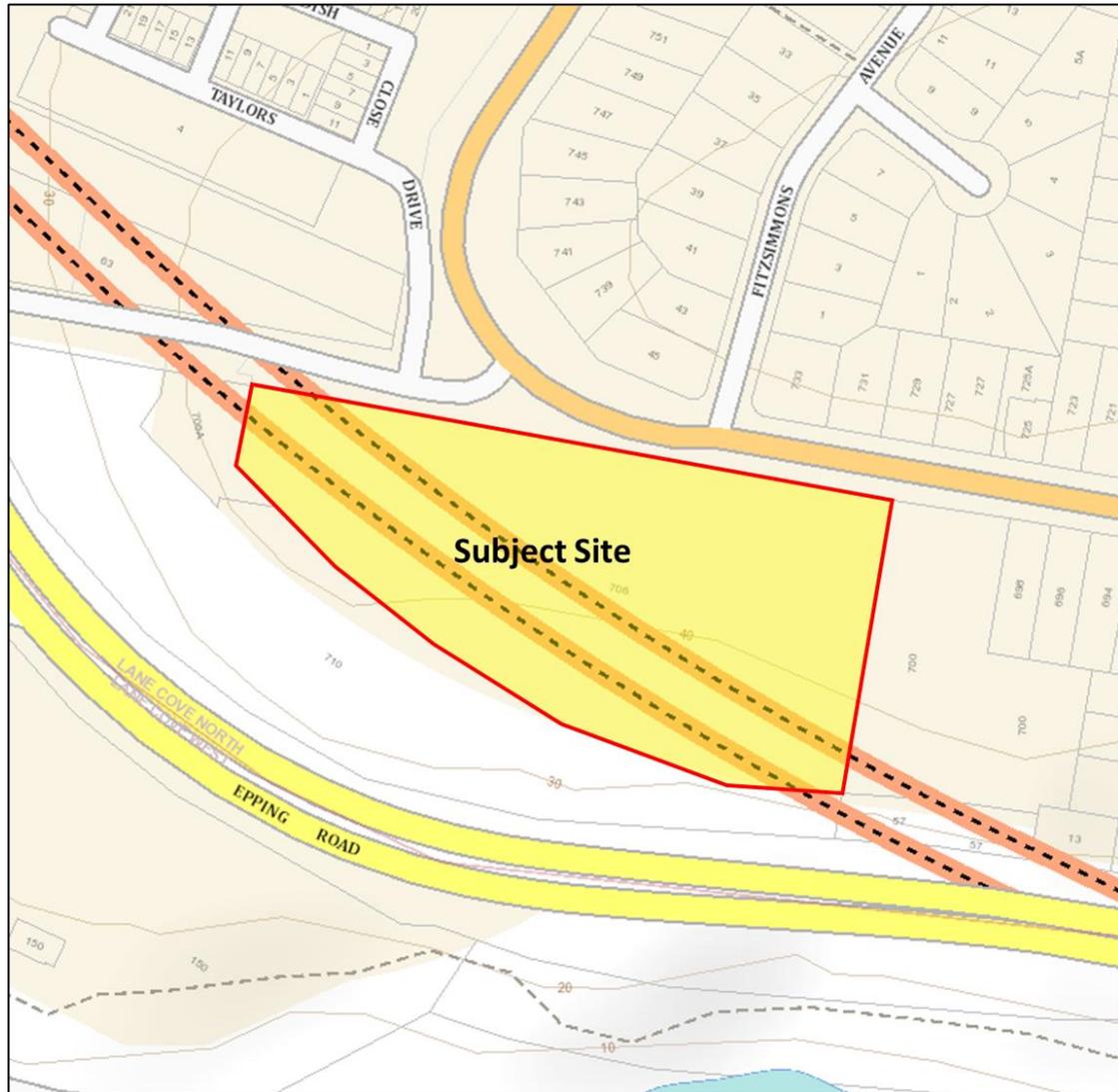


Figure 3 Existing Site Context and Surrounding Area (Source: SIX Maps, 2020)

The existing development particulars of the Subject Site are outlined in **Table 2** as follows:

Table 2: Existing Site Particulars	
Site Details	
Total Site Area	1.757 ha

### 2.2 LOCAL AND REGIONAL CONTEXT

The Subject Site is located in the suburb of Lane Cove North, which forms part of the wider Lane Cove LGA.

The immediate Site context exhibits an industrial character, being developed as part of a multi-tenanted industrial development and is surrounded by similar industrial developments to the east and west of the Site. Other land uses in the vicinity of the Site include:

- **North** – residential typologies comprising a mixture of Low Density Residential (north and north east) and Medium Density Residential (northwest) are in close proximity to the Subject Site, which would afford views towards the Proposed Development.
- **South** – comprises an environmentally sensitive area (including the southwest), being zoned E2 Environmental Conservation, for which the Proposed Development will duly

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consider when assessing the potential environmental impacts as a result of the Proposed Development on the Subject Site and adjoining sites.

- **East & West** – comprises existing light industrial developments (including an existing child care centre to the west), which would provide a transitional and sequential built form outcome in accordance with the Proposal.

LCLEP2009 remains the primary EPI applicable to the Subject Site. It is noted, that the surrounding regional road network is located in close proximity to the Subject Site, which includes Epping Road and the M2 Motorway, providing enhanced connectivity to the Sydney CBD and the wider Sydney Metropolitan Region.

## **PART C PROJECT SUMMARY**

### **3.1 AIMS AND OBJECTIVES OF THE PROPOSED DEVELOPMENT**

The subject Proposal seeks Development Consent for the construction and operational use of a proposed Data Centre. The following objectives have been identified as forming the basis of the Proposed Development, as well as being consistent with the aims set out within LCLEP2009, including:

- Design the Site to achieve a viable economic return;
- Ensure minimal environmental and amenity impact;
- Ensure ongoing compliance with all operational legislative requirements;
- Provide for an employment-generating land use; and
- Ensure development is compatible with surrounding development and both the local and regional context.

The Site and proposed design are considered to meet the objectives of the Project, as it allows for development on a land portion that would be suitably located; and is zoned accordingly for such permissible industrial-related purposes.

A preliminary Site Plan is illustrated below for reference (refer to **Figure 5** below) and the Preliminary Architectural Plans are located in **Appendix 1** of this Scoping Report.

### **3.2 DESCRIPTION OF THE PROPOSED DEVELOPMENT**

Consent is sought for the construction and operational use of a Data Centre, to achieve optimal efficiency outcomes in line with best practice to cater for emerging and evolving data storage requirements throughout the Sydney CBD and wider Sydney Metropolitan Region. The Proposed Development is demonstrated in **Figure 5** below, whilst **Appendix 1** of this Scoping Report contains the detailed Preliminary Architectural Plans for the Proposed Development. These plans also demonstrate an indicative layout of the mechanical plant (generators and substations) required to facilitate the proposed Data Centre. The overall scope of the Proposed Development is outlined as follows within **Sections 3.2.1-3.2.7**:

#### **3.2.1 Demolition of Existing Light Industrial Building**

The Subject Site contains a Light Industrial building, for which consent for demolition of the existing building would be required to facilitate the earthworks, infrastructure works and future construction of the proposed Data Centre.

#### **3.2.2 Data Centre Building**

The proposed Data Centre would operate on a 24/7 basis over six (6) levels (including a basement level), comprising 14 data halls, 16 electrical substations, one (1) diesel fuel storage tanks, plant and equipment as shown on the Preliminary Architectural Plans prepared by Greenbox Architecture as shown in **Appendix 1** of this Scoping Report.

The Data Centre would be constructed over a single construction phase, which would be based on the demand for data storage and racking requirements, which would exhibit a built form outcome, resulting in a maximum building height of approximately 38 m, with approximately 24,689 m<sup>2</sup> of Gross Floor Area (GFA) across the Site.

From an operational standpoint (as an owner / operator / landlord), the future end user provides a similar service to its tenants as any commercial landlord would. Notwithstanding, the point of difference is, that the tenants of the facilities are focused on the housing and delivery of cloud-based storage to service the global market, particularly clients located within

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the CBD. Further operational details of the proposed Data Centre are summarised in **Section 4.3** below.

### **3.2.3 Electrical Substations and Diesel Fuel Storage**

The facility will have a total of 16no substations, with 2 no. step down transformers from 132 to 11kV on the ground floor and 14uilding distribution transformers located on gantries, with one per data hall and 1no diesel fuel storage area, comprising of multiple belly tanks sized to meet the requirements of AS1940. Based on the Preliminary Architectural Plans prepared by Greenbox, it is anticipated that there would be approximately 1,800 tonnes (or 1,950 kL) of diesel fuel stored on-site.

A Dangerous Goods Report will be prepared to assess any potential requirements for an Environmental Protection Licence (EPL) required for the proposal pertaining to diesel fuel storage.

### **3.2.4 Office**

The admin and support blocks contain key program elements such as the Facility Operations Centre (FOC), Security Operations Centre (SOC), Loading Dock, Staging, Storage and Open Office. The office components comprise approximately 2,837 m<sup>2</sup> of GFA.

The Open Office is a touch down office space for single vendor use while supporting the proposed Data Centre. The office space includes non-dedicated, open workstations for use by operations personnel during peak deployments periods. The Security Operations Centre (SOC) serves as the access control point for the facility and is located directly adjacent to the Lobby so that personnel access can be monitored visually by security staff. Facilities Operations Centre (FOC) is a dedicated enclosed space for facilities monitoring, with operator consoles for Facilities Operations.

### **3.2.5 Access and Servicing**

Access to the Site would be facilitated by Mowbray Road West, which shares direct links to Epping Road. Servicing to the Site would be undertaken via augmentation of the existing infrastructure at the Subject Site, with any additional infrastructure requirements (primarily electricity) being investigated under the subject Proposal concerning the proposed Data Centre pertaining to provisions for a substation on the Site.

Additionally, the Proposal includes provisions for internal access roads providing safe ingress and egress throughout the Site, including appropriate directional access and vehicular movement across the Site. This will also satisfy the relevant setback and Asset Protection Zone (APZ) requirements required to be implemented across the Site.

### **3.2.6 Landscaping**

A carefully selected landscape setting will be chosen for the Site, comprising a mix of native and endemic plant species, shrubs, trees and grasses which will help to improve the aesthetic for workers and visitors, as well as exhibit an appropriate landscaping treatment for motorists traversing Mowbray Road West, as well as significantly reduce the potential visual amenity impacts experienced by nearby residential typologies to the north of the Site. Landscaping will aid the proposal by virtue of landscape screening ultimately improving the visual amenity of the Site. Accordingly, 3,507 m<sup>2</sup> of landscaping has been proposed for the Site.

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### **3.2.7 Car Parking**

Car parking has been provided across the Site to facilitate both the construction and operational phases of the Proposed Development. Parking has been provided generally in accordance with the LCDCP2009 controls pertaining to parking; however, it should be noted that a merit assessment will be applied to the Site, given the unique operational output requirements of a Data Centre, which typically results in a reduced car parking requirement over a site compared to any other industrial development. Accordingly, 50 car parking spaces have been provided for the Proposed Development (including one (1) accessible space). A Traffic and Parking Impact Assessment will be prepared as part of the Proposed Development to justify proposed car parking across the Site.

### **3.2.8 Employment Generation**

The Proposal would positively impact on the social and economic conditions of the Lane Cove LGA and would form an extension of employment generation potential exhibited throughout the wider Lane Cove West Business Park, which is envisaged for employment-generation and economic growth and prosperity, as well as being zoned for industrial-related purposes. Construction jobs are expected to be in the order of approximately 300, whilst operational jobs would be expected to exceed approximately 50 future staff (which includes maintenance contractors).

## **3.3 DATA CENTRE OPERATIONS AND PROCEDURES**

Once the Proposed Development is fully commissioned and handed over to the operations team, staff and contractors will be responsible for managing the ongoing health and safety of the Site. This includes the implementation and management of a thorough maintenance program. Established robust tools and systems and well-documented procedures will ensure the Site remains compliant with State and Local government regulations and best in class global standards for Data Centre operations.

The main facets of the Data Centre operations are outlined as follows:

- Minimising unplanned outages and critical equipment failures through well documented management processes and procedures;
- Reducing operating risks including those related to security; and
- Providing continuous customer support on a 24x7x365 basis.

## **3.4 STAGING OF DEVELOPMENT**

The approval strategy sought, seeks to obtain Development Consent to complete the construction works over several construction phases; however, any such staging does not constitute staged development as defined under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed stages will be completed as demand for data storage and distribution of cloud-based data storage and services is required.

## **3.5 CAPITAL INVESTMENT VALUE**

While costs have not yet been finalised, the CIV of this Project is expected to be approximately \$129 Million. The costs will be finalised once the final design is confirmed.

As this exceeds the \$50 Million threshold under Schedule 1, Part 25 of the SRD SEPP, the Proposed Development is considered SSD.

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A Preliminary Cost Report is attached to verify the CIV (refer to **Appendix 2**).

### 3.6 CONSULTATION

Consultation is currently being undertaken with the following stakeholders:

- Lane Cove Council;
- Environment Protection Authority;
- Ausgrid;
- Transport for NSW;
- Department of Industry – Crown Lands and Water;
- Department of Primary Industries – Fisheries;
- NSW DPIE – Environment, Energy and Science (EES) Group;
- NSW DPIE – Hazards Team;
- SafeWork NSW;
- Fire and Rescue NSW;
- Rural Fire Service;
- Sydney Water;
- Willoughby Council;
- Transurban;
- Surrounding local residents and stakeholders; and
- Any other public transport, utilities or community service providers.

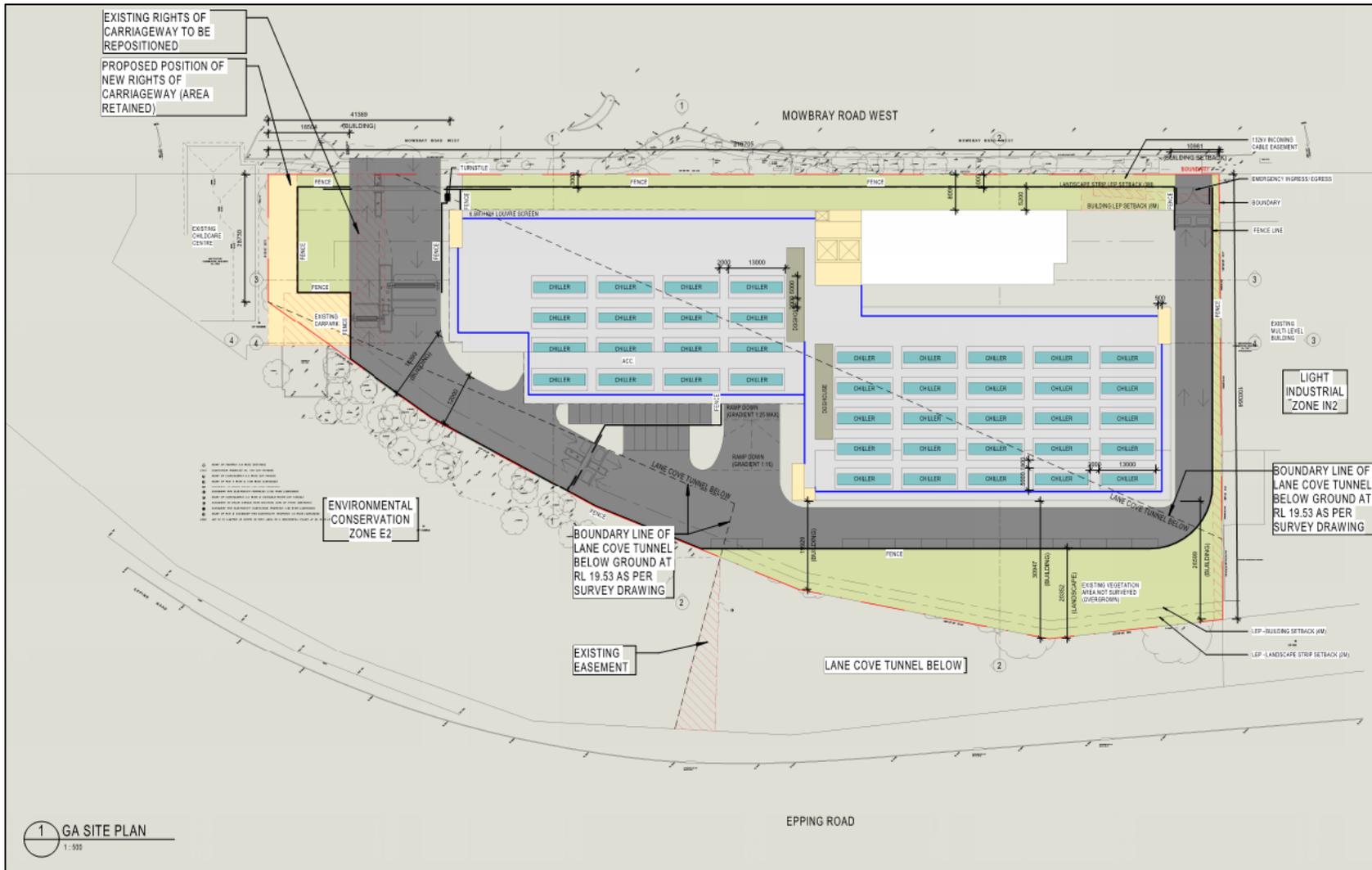
Consultation with relevant stakeholders will be undertaken whilst preparing a detailed Environmental Impact Statement in keeping with the Department's Major Project Community Consultation Guidelines.

It is noted, that the Proponent met with both the NSW DPIE and Lane Cove Council as part of a Pre-Scoping Meeting on 14 December 2020, where the Design Team presented its current preliminary design documentation, as well as both the NSW DPIE and Lane Cove Council flagging key issues to consider as part of the Project.

Furthermore, Australian Public Affairs have been engaged by the Proponent to facilitate ongoing community and stakeholder engagement as part of the Proposed Development's overall community and stakeholder engagement participation strategy, which is due to commence in February 2021. Australian Public Affairs aim to support a positive planning outcome by:

- *Informing and guiding the best quality community outcomes within the commercial bounds of the clients requirements for the site.*
- *Protecting and enhancing the clients reputation in the community.*
- *Actively managing the risk of objections impacting the planning approval outcomes.*
- *Ensuring the community has access to balanced information about the project.*
- *Facilitating documentable input from the community to inform the SSDA.*
- *Building trust and constructive dialogue with key local stakeholders.*

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**Figure 4: Proposed Preliminary Site Plan (Source: Greenbox, 2021)**

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### PART D JUSTIFICATION

#### 4.1 PROJECT NEED

Accordingly, the way data and records are stored is considered to be continually evolving. The storage of cloud and electronic data is now a fundamental piece of infrastructure and services for both business and consumer transactions. Data Centres are considered to be critical infrastructure, that not only provide employment-generating opportunities within the Information, Communication and Technology (ICT) sector, but also support the operation of business to business and business to consumer services.

The Proposed Development would assist in providing new employment opportunities and promote further industry diversification (i.e. ICT sector). Accordingly, this Proposal would not alter the quantity or configuration of land currently zoned for industrial-related uses pursuant to the IN2 Light Industrial zone under LCLEP2009.

The Proposed Development, for the purposes of a Data Centre is considered consistent with the strategic direction of *A Metropolis of Three Cities* and the *North District Plan* (Greater Sydney Commission). Additionally, the Proposed Development will further contribute to the growth and knowledge of professional service jobs within the North District; hence, contributing to the North District's economic growth, within the wider Lane Cove LGA.

Furthermore, the Proposed Development could support the retention and maintenance of existing industrial land stocks and employment objectives, whilst promoting industry diversification (and generating new employment sources); and could generate more employment through the relevant planning, construction and maintenance stages.

Additionally, the Proposed Development at the Subject Site would generate a range of community need drivers, in particular the following:

- Reduced travel distances, leading to savings in time and fuel for local working residents, due to much better access to the Site, as opposed to other dense employment areas at the local level. It is noted, that a reduction in travel times and distances generates related benefits, including reduced vehicle wear and tear, reduced fuel costs, reduced pollution, reduced traffic congestion, reduced risks of car accidents and more time which can be spent either working, socialising or undertaking other activities;
- New employment opportunities from other industries, such as ICT businesses to operate within the Lane Cove LGA; and
- Providing jobs near people's homes and consequent economic multiplier impacts, which will boost the local economy.

#### 4.2 CONSIDERATION OF ALTERNATIVES

The purpose of the Proposed Development is to contribute towards the intended industrial character and nature of the IN2 Light Industrial zone; and provide a Data Centre, which provides secure, reliable and scalable solutions for cloud, content and large enterprise customers to house their high rapidly growing volumes of data and information. The Proposed Development seeks to ensure it:

- Is compatible with surrounding development and the local context;
- Would provide increased operational efficiencies for storage and distribution of data;
- Would result in minimal impact on the environment; and
- Would allow for the implementation of suitable mitigation measures, where required.

Overall, the scale of the Proposed Development is considered suitable, and the built form proposed would completely enhance and renew an underutilised land portion completely, into a modernised, State-of-the-Art Data Centre, which will be completely consistent with surrounding industrial-related uses in close proximity to the Site. The Site design and layout of the built form proposed, seeks to

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maintain consistency with the zone objectives under LCLEP2009 and enhance the underlying industrial character intended for the identified land portion, which is zoned for such permissible land uses. Furthermore, this would be achieved by the resultant built form that would reinforce the nature of the land use and is sensitive to the surrounding environment.

The options considered and subsequently dismissed, in arriving to the current proposal with regard to the Proposed Development included:

### ***(a) 'Do Nothing' Scenario***

This option was dismissed as the objectives of the Project would not be met, including the objective of facilitating an employment-generating development. If the Proposed Development was not to proceed, the Site would continue to remain underutilised and unrealised, or be developed for another industrial-related development.

### ***(b) Development on an Alternative Site***

Consideration was given to carrying out development on alternate sites; however, these were dismissed as the Site resulted in the most beneficial outcomes for the Proposed Development as:

- It is located subject to the provisions of the IN2 Light Industrial zone pursuant to the provisions of LCLEP2009, which seeks to provide employment-generating land uses;
- The Site is suitably located with respect to sensitive land activities, including residential development on the northern interface of Mowbray Road West;
- All potential environmental impacts concerning the Proposed Development are able to be suitably mitigated within the Site;
- The proximity to the regional road network provides accessibility and linkages to the broader Sydney Metropolitan Region and regional areas of NSW;
- The Proposed Development demonstrates the capability for continued employment-generating opportunities, during both the construction and operational (including maintenance) phases;
- Sufficient separation is maintained towards the interfaces of surrounding industrial zoned land and existing industrial development in close proximity to the Subject Site;
- The Proposed Development has not been identified as containing any items of Heritage significance, including Aboriginal Cultural Heritage and State or Local Heritage items, that require further consideration; and,
- The Proposed Development could be developed with appropriate visual amenity achieved given its surrounding context.

### ***(c) Different Site Configuration***

The configuration of the Proposed Development was chosen based on the Site's topography; street access; existing mature and proposed vegetation / landscaping; as well as the need to respond to the character of the surrounding IN2 Light Industrial zone. It is noted, that a different site configuration would not have been able to respond to the abovementioned site opportunities and constraints. This option was therefore not considered appropriate.

Notwithstanding, the Proposed Development is justified on the basis, that it is compatible with the locality in which it is proposed, resulting in positive social and economic benefits, whilst appropriately managing and mitigating any potential environmental impacts requiring consideration across and surrounding the Site.

## **4.3 PROPOSED DATA CENTRE**

From an operational perspective (as an owner / operator / landlord), the future end user provides a similar service to its tenants as any commercial landlord would. Notwithstanding, the point of difference

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is, that the tenants of the facilities are focused on the housing and delivery of cloud-based internet to service the global market.

The Data Centre proposed, commits to maintaining high levels of reliability through the provision of the Site's infrastructure, ultimately supporting the tenant's environment. This is accomplished through industry leading redundancy of mechanical cooling and power systems (including emergency backup power generators) serving the Data Centre along with the necessary and vital telecommunications links required for the Site to carry out an efficient and effective operation.

It is important to note, that in addition to deploying reliable infrastructure in secure facilities, the future end user invests in high performing 24x7 operational teams, whose sole focus is to ensure that the Site is never at risk.

From a locational perspective, the Subject Site was chosen as it would be able to accommodate an unconstrained platform and scale of development proposed. Accordingly, the Site's locality is considered satisfactory from a strategic standpoint, for which the Proposal responds to the industrial character intended for the Site and immediate locality; and the limited environmental constraints, which make the Site suitable for development, for the purposes of a Data Centre. Additionally, the Site's locality is reinforced by its close proximity to nearby regional road networks, such as Epping Road and the M2 Motorway as well as available bus networks in close proximity to the Site (throughout Mowbray Road and Epping Road), which are considered highly beneficial for the overall operations of the Proposal.

It is noted, that if the Proposed Development did not proceed, the Site would not provide employment opportunities for an employment sector. Additionally, it would not provide local employment opportunities, including achieving the '30-minute City' (as outlined in the Regional and District Plans) or generate construction and operational (including maintenance) jobs.

In light of the above information, which promotes an industrial-related development, for the purposes of a Data Centre at 706 Mowbray Road West, Lane Cove North (Lot 10 DP 1179953), this would allow for the delivery of more employment space and promotes the supply and competitiveness of the existing employment land floorspace within the immediate locality, for which is surrounded by existing industrial development.

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### **PART E LEGISLATIVE AND POLICY FRAMEWORK**

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this Report:

#### **Commonwealth Planning Context**

- *Environment Protection and Biodiversity Conservation Act 1999*

#### **State & Regional Planning Context**

- *A Metropolis of Three Cities – Greater Sydney Region Plan*
- *North District Plan*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1997*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

#### **Local Planning Context**

- *Lane Cove Local Environmental Plan 2009*
- *Lane Cove Development Control Plan 2009*

This planning framework is considered in detail in the following sections.

### **5.1 ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

Under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a "controlled action" and formal Commonwealth approval is required.

Based on preliminary investigations carried out, the proposal does not warrant referral to the Commonwealth Minister for Environment.

### **5.2 A METROPOLIS OF THREE CITIES – GREATER SYDNEY REGION PLAN**

*A Metropolis of Three Cities – Greater Sydney Region Plan* (Greater Sydney Commission, 2018) divides the Sydney Region into three (3) Cities, with a vision of growth until 2056 (refer to **Figure 5** below). The Plan aims to anticipate the housing and employment needs of a growing and vastly changing population. The overall vision pursues an objective of transforming 'Greater Sydney' into a Metropolis of Three Cities, including:

- The Western Parkland City;
- The Central River City; and,

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- The Eastern Harbour City.

The division into three (3) cities puts workers and the wider community closer to an array of characteristics such as, intensive jobs, 'city-scale' infrastructure & services, entertainment and cultural facilities. By managing and retaining industrial land close to city centres and transport, this will ensure critical and essential services are readily available to support local businesses and community members and residents. Once constructed and operational, the Subject Site would achieve economic growth and prosperity, as well as encourage employment-generating opportunities within an area zoned for such permissible purposes, that is considered relatively close in conjunction to residential communities, providing an ease of commute. The Proposed Development across the Site considers the employment-generating outcomes that can be achieved for the immediate and wider localities.

The Proposed Development at 706 Mowbray Road West, Lane Cove North also contributes to the four (4) standardised elements communicated across for all three (3) cities, including:

- Infrastructure and collaboration – once in operation, the Proposed Development of the Site for the purposes of a Data Centre, would provide cloud storage to available clients, allowing for more efficient operations on end to end business models;
- Liveability – the Proposed Development encourages employment-generating opportunities and economic prosperity, which has positive influences on the wider locality;
- Productivity – the Proposed Development is situated within the *North District Plan* (refer to **Section 5.3** below); and,
- Sustainability – the Proposed Development would not exhibit or emit any detrimental impacts to its wider ecological surroundings.

In summary, the Subject Site contributes to the objectives set out in the *A Metropolis of Three Cities – Greater Sydney Region Plan* by promoting minor environmental impacts and the further promotion of employment-generating opportunities to the wider locality and community, positioned within the Lane Cove LGA.

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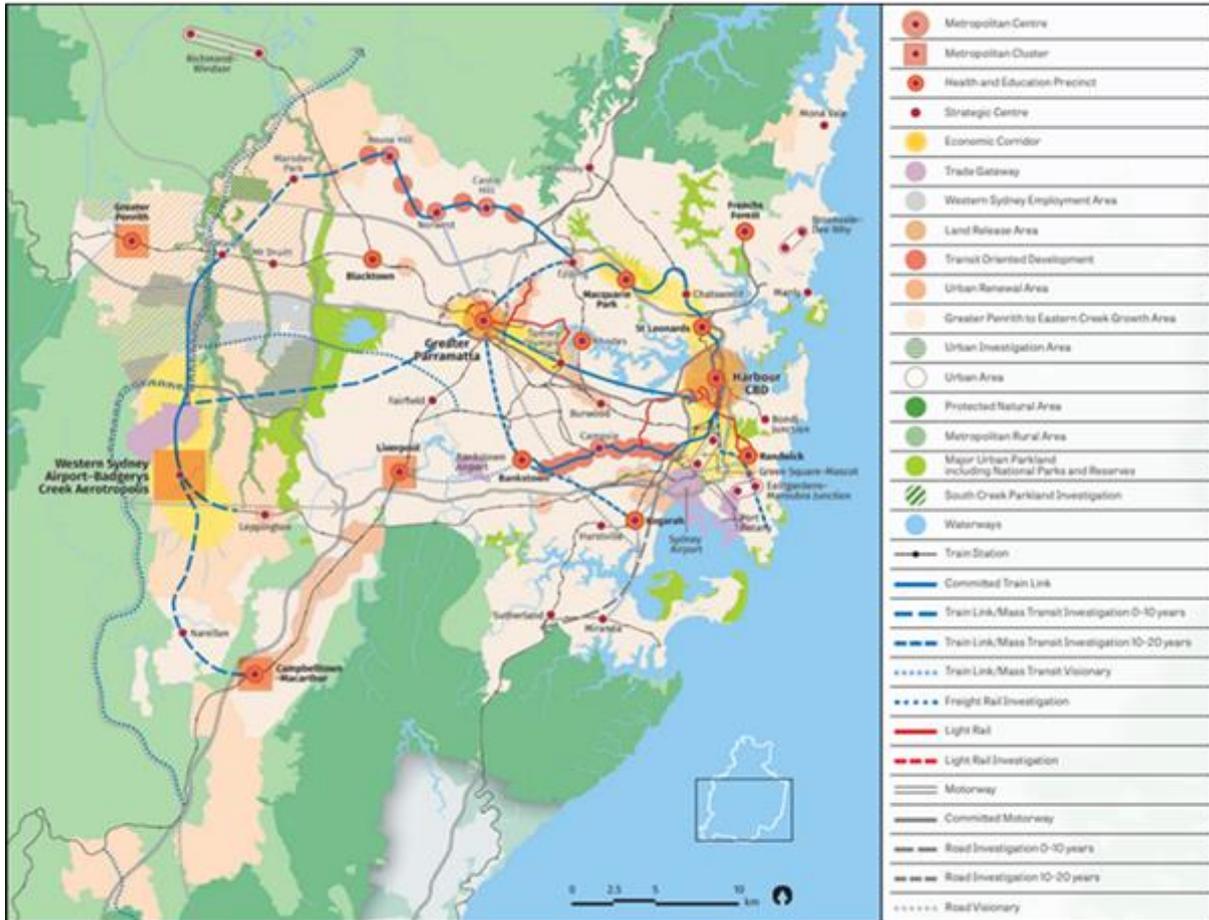


Figure 5 Metropolis of 3 Cities A Vision to 2056 (Source: Greater Sydney Commission, 2018)

## 5.3 NORTH DISTRICT PLAN

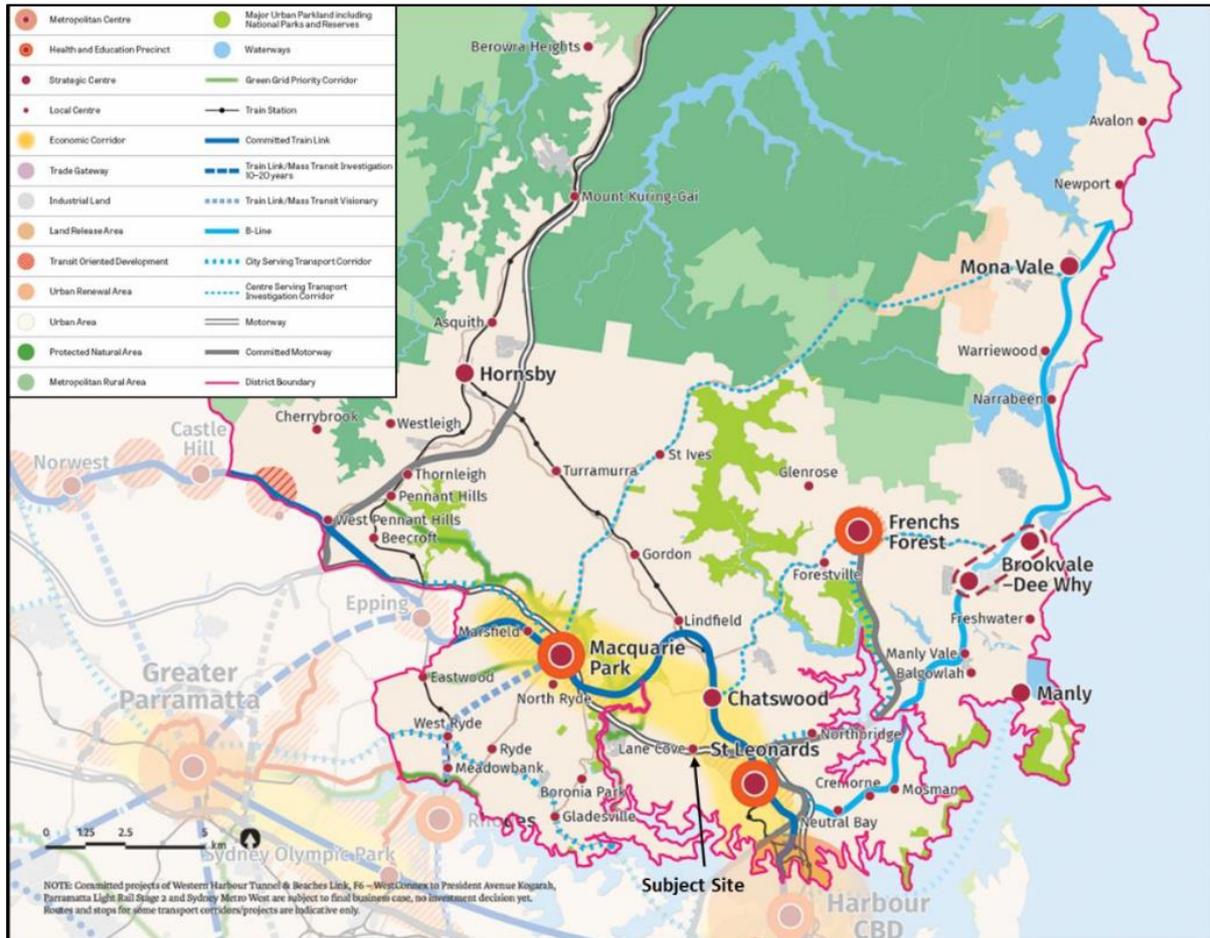
The *North District Plan* covers the Lane Cove LGA. The Plan encourages a twenty-year plan to help encourage and establish goals set out in the *A Metropolis of Three Cities – Greater Sydney Region Plan*, mentioned above. The Plan is considered a 'bridge' between Regional and Local planning.

The Subject Site – 706 Mowbray Road West, Lane Cove North, is situated within the *North District Plan*, which falls within the Eastern Harbour City (refer to **Figure 6** below).

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**Figure 6 North District Plan Structure Plan (Source: Greater Sydney Region Plan, 2018)**

The North District Plan reinforces the four (4) planning priorities of the GSC. The Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure & collaboration, liveability, productivity and sustainability.

The Greater Sydney Commission's mission statement further reinforces the Plan's concentrated aims by outlining its main strategies, namely:

- *Enhancing the role of the Eastern Economic Corridor, including North Sydney as part of the Harbour CBD;*
- *Supporting jobs growth in strategic centres, including health and education precincts and facilitating innovation;*
- *Sustaining local centres to provide jobs, services and amenity;*
- *Providing fast and efficient transport connections to achieve a 30-minute city;*
- *Retaining and managing industrial and urban services land;*
- *Creating and renewing great places while protecting heritage and local character and improving places for people;*
- *Improving walking and safe cycling ways;*
- *Enhancing foreshore access to Sydney Harbour and the District's waterways;*
- *Enhancing the quality and improving access to open space, and increasing urban tree canopy;*
- *Retaining the environmental, social and economic values of the Metropolitan Rural Areas; and*
- *Protecting and enhancing the District's unique natural assets including waterways, coastlines and bushland.*

The Proposed Development, would contribute to the objectives set out in the *North District Plan* (of which the Site forms a part), by promoting a greater range of land uses of benefit to the community,

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including the Proposed Development (Data Centre) and other associated land uses; facilitating the provision of greater and improved infrastructure; and promoting additional employment-generating opportunities, to the wider locality and community closer to home, whilst supporting economically and environmentally-sustainable development. These aims are specifically relevant to the Proposed Development.

### **5.4 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The EP&A Act is the overarching governing statute for all development in NSW and pursuant to Section 4.36(2) provides that:

*"A State environmental planning policy may declare any development, or any class or description of development, to be State significant development."*

The Proposed Development has been identified as State Significant Development under the SRD SEPP.

### **5.5 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

Section 4(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) states that:

*"Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule."*

The Proposal being for a Data Centre does not trigger the Designated Development thresholds.

### **5.6 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1979**

Schedule 1 of the *Protection of the Environment Operations Act 1979* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

*"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."*

The Proposed Development will include review of the relevant thresholds under Schedule 1 of the POEO Act with respect to Dangerous Goods, including provisions for Diesel Fuel storage and lithium ion batteries to be stored on-site within the future data storage racking, which may trigger the requirement for an Environmental Protection Licence (EPL).

### **5.7 BIODIVERSITY CONSERVATION ACT 2016**

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

The BC Act requires consideration of whether a development or an activity is likely to significantly affect threatened species. The Proposed Development will include a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the relevant Biodiversity Assessment Methodology (BAM) requirements prescribed pursuant to the BC Act and BC Regulations pertaining to the removal of native vegetation.

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### 5.8 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Proposed developments involving activities that are listed in Schedule 1 of the SRD SEPP are identified as being State Significant Development (SSD). Schedule 1, Clause 25 of the SRD SEPP includes provisions for developments comprising Data Centres to be undertaken as SSD. Clause 25 states:

#### **"25 Data Storage**

*Development for the purpose of storage premises used for the storage of data and related information technology hardware that has a capital investment value of more than \$50 million and includes development that is the subject of the following development applications—*

- (a) development application SSD-9741 in respect of the Lane Cove West Data Centre at 1 Sirius Road, Lane Cove West,*
- (b) development application SSD-10330 in respect of the Roberts Road Data Centre at 17 Roberts Road, Eastern Creek."*

The CIV of the entire project is in excess of \$50 Million (~\$129 Million), thus the SSD provisions apply to the Proposal.

### 5.9 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

*State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) includes provisions to achieve permissibility for the development of certain activities for a range of infrastructure types. The ISEPP indicates whether an activity is permissible with or without consent on what land the activity is permissible.

In accordance with the meaning bestowed under the ISEPP, a Data Centre is defined as "*development for the purposes of storage premises used for the storage of data and related information technology hardware*". Furthermore, it is noted, that the IN2 Light Industrial zone is identified as a Prescribed Zone pursuant to Part 3, Division 3, Clause 27(2) of the ISEPP.

Furthermore, the ISEPP repeals the former *State Environmental Planning Policy No 11 – Traffic Generating Development* and, pursuant to Clause 104, provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'Industry' are:

- *20,000 m<sup>2</sup> in area with site access to any road; or,*
- *5,000 m<sup>2</sup> in area where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).*

The Subject Site attains an area greater than 20,000 m<sup>2</sup>. Therefore, any such future development would require referral to the NSW RMS (now TfNSW).

### 5.10 STATE ENVIRONMENTAL PLANNING POLICY NO 19 – BUSHLAND IN URBAN AREAS

The Subject Site does not contain land zoned or reserved for public open spaces purposes, rather has been designated for light industrial purposes, similar to the surrounding industrial character established along the southern interface of Mowbray Road, as well as forming an extension with respect to the wider Lane Cove West Business Park to the south of the Site, which serves an employment-generating function within the Lane Cove LGA. It is noted, that the northern boundary of the Subject Site is traversed by identified Bushland; therefore, the provisions of *State Environmental Planning Policy No 19 – Bushland in Urban Areas* (SEPP 19) are relevant to the Proposed Development.

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The implications of SEPP 19 will be considered within the future EIS to be prepared following the SEARs being issued, with respect to potential impacts on bushland, as well as any bushfire hazards to consider, which will be documented within the future BDAR and Bushfire Impact Assessment.

### 5.11 STATE ENVIRONMENTAL PLANNING POLICY NO. 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

To facilitate the operational use of the proposed Data Centre, there will be some diesel fuel stored on the Site for the back-up generators. However, there are no combustibles proposed to be stored, thus *State Environmental Planning Policy No 33 - Hazardous and Offensive Development* (SEPP 33) is not triggered. Notwithstanding, a Preliminary Risk Screening report would be undertaken and prepared and included within the EIS.

### 5.12 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a Development Application (in this instance, SSD Application) is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Detailed environmental site investigations will be undertaken to confirm the Site is suitable for the proposed land use in accordance with SEPP 55.

### 5.13 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Site is not affected or identified as part of a Coastal Wetlands area. The aim of *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.

Any future development proposed on the Subject Site should ensure that the following criterion are met, namely:

- The biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest; or
- The quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The Site is not affected or identified as part of a Coastal Wetlands area; however, it is noted, that land further to the west and southwest of the Subject Site is mapped as containing Coastal Wetlands and includes Littoral Rainforests further to the south (refer to **Figure 7** below). Notwithstanding, further

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consideration with respect to the Coastal Management SEPP is not considered to be warranted in this respect.



Figure 7 Subject Site in Proximity to Identified Coastal Wetlands Areas (Source: NSW DPIE, 2020)

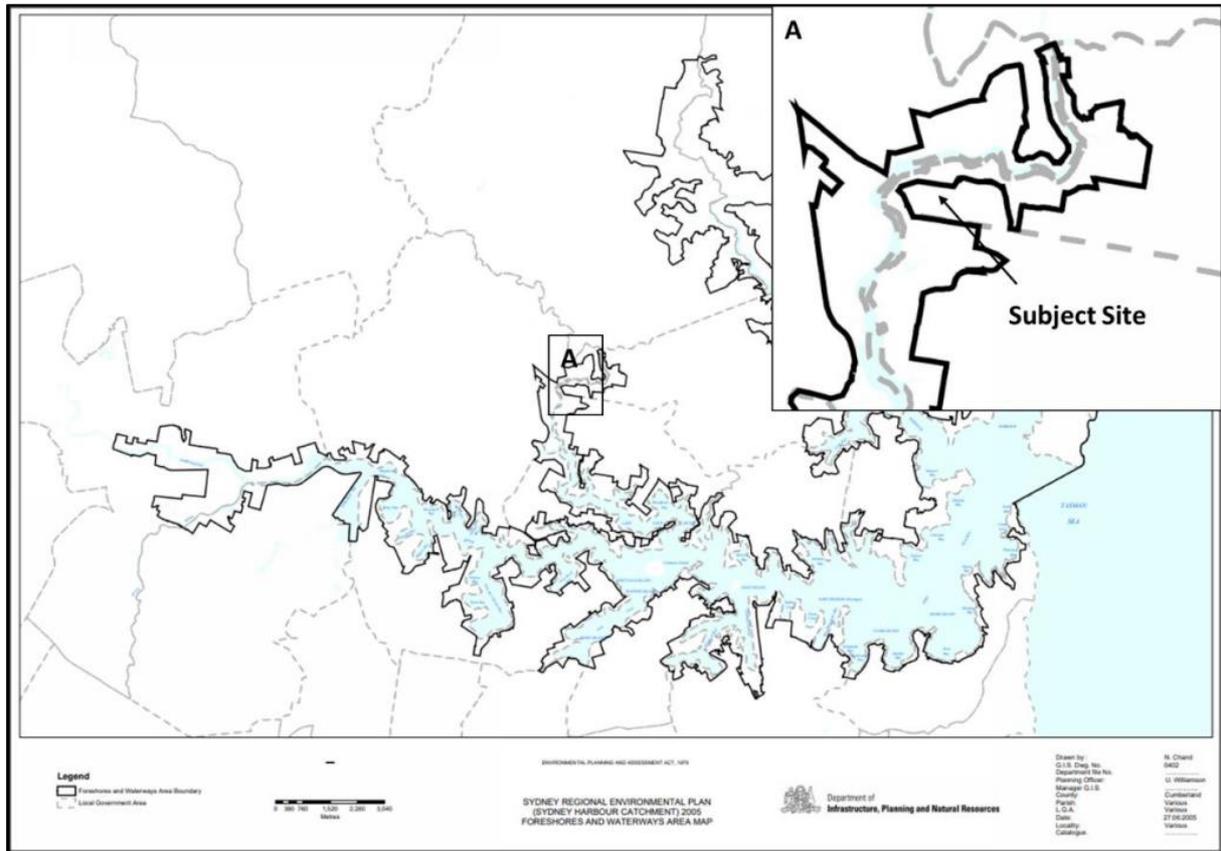
### 5.14 SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

*Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Sydney Harbour Catchment SREP) applies to land within the Sydney Harbour Catchment. As shown in **Figure 8** below, the rough location of the Site is identified within the Sydney Harbour Catchment, and specifically within the Foreshores and Waterways Area.

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**Figure 8 Foreshores and Waterways Area Map (Source: NSW DPIE, 2020)**

For the purpose of the Sydney Harbour Catchment SREP, land adjacent to the north and west Site boundary is zoned W2 Environmental Protection (refer to **Figure 9** below).

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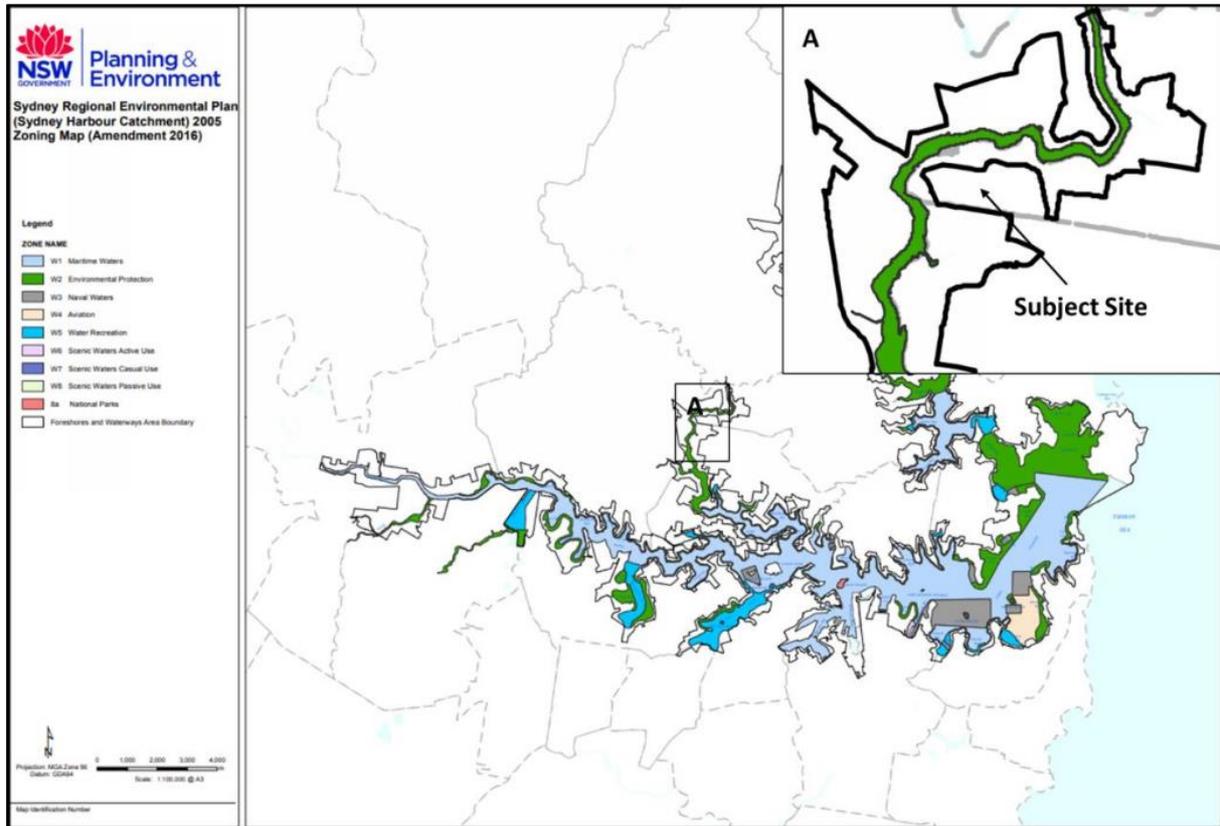


Figure 9 Sydney Harbour Catchment SREP Zoning Map (Source: NSW DPIE, 2020)

The objectives of the W2 zone are as follows:

- (a) to protect the natural and cultural values of waters in this zone,
- (b) to prevent damage or the possibility of longer term detrimental impacts to the natural and cultural values of waters in this zone and adjoining foreshores,
- (c) to give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores,
- (d) to provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores.

It is noted, that the Subject Site is located adjacent (and not within) to the identified W2 zone; however, pursuant to Part 3 Division 2 of the SREP, matters to be taken into consideration by the consent authority before granting consent to development under Part 4 of the Act relate to:

- Biodiversity, ecology and environment protection.
- Public access to, and use of, foreshores and waterways.
- Maintenance of a working harbor.
- Interrelationship of waterway and foreshore uses.
- Foreshore and waterways scenic quality.
- Maintenance, protection and enhancement of views.
- Boat storage facilities.

The Proposal will not require concurrence with the Foreshores and Waterways Planning and Development Advisory Committee; however, the future EIS will consider the objectives above where required.

### 5.15 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

LCLEP2009 is the principal EPI applicable to the Site. The Site is zoned as follows:

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- IN2 Light Industrial

**Table 3** outlines the relevant planning controls applicable to the Site, as stated within LCLEP2009.

<b>Table 3: Lane Cove Local Environmental Plan 2009 (LCLEP2009) – General LEP Clauses</b>	
<b>Requirement</b>	<b>Application to Subject Site</b>
Clause 2.3 – Zone Objectives and Land Use Table	<i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>
<b>IN2 Light Industrial Zone</b>	
IN2 Light Industrial – Objectives of Zone	<ul style="list-style-type: none"> <li>▪ <i>To provide a wide range of light industrial, warehouse and related land uses.</i></li> <li>▪ <i>To encourage employment opportunities and to support the viability of centres.</i></li> <li>▪ <i>To minimise any adverse effect of industry on other land uses.</i></li> <li>▪ <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i></li> <li>▪ <i>To support and protect industrial land for industrial uses.</i></li> <li>▪ <i>To ensure that landscaping is a significant element in development viewed from the public domain and neighbouring properties.</i></li> <li>▪ <i>To recognise the close proximity of this zone to adjoining residential areas and seek to mitigate potential conflict between industrial and residential uses.</i></li> </ul>
Permitted without Consent	<i>Nil</i>
Permitted with Consent	<i>Car parks; Centre-based child care facilities; Community facilities; Depots; Food and drink premises; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Self-storage units; Sex services premises; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres.</i>
Prohibited	<i>Pond-based aquaculture; Any other development not specified in item 2 or 3.</i>
<b>LEP Clauses</b>	
Clause 4.1 – Minimum Lot Size	The Site is not subject to a minimum lot size under LCLEP2009.
Clause 4.3 – Height of Buildings	The Site is subject to a maximum building height of approximately 18 m pursuant to LCLEP2009 (refer to <b>Figure 10</b> below). Accordingly, the Proposal includes provisions for a maximum height of approximately 38 m, for which a variation would be sought pursuant to Clause 4.6 of the LCLEP2009.
Clause 4.4 – Floor Space Ratio (FSR)	The Site is subject to a maximum Floor Space Ratio (FSR) of 1.5:1 under Clause 4.4 of LCLEP2009 (refer to <b>Figure 11</b> below). The Proposed Development would accrue a maximum FSR of approximately 1.4:1.
Clause 4.6 – Exceptions to Development Standards	A Clause 4.6 Variation would be required to be prepared in relation to Clause 4.3, which is required to be varied, with respect to the maximum building height (noting an estimated 38 m built form outcome proposed as part of the Proposal).
Clause 5.1 – Relevant Acquisition Authority	The Site adjoins Mowbray Road, which is zoned SP2 Infrastructure: Classified Road, for which it may be subject to future road widening at any given time in the future. Additionally, the Lane Cove Tunnel (M2 Motorway) intersects the Site, for which consultation with Transport for NSW (TfNSW) and Transurban will be undertaken as part of the

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	Proposed Development to ascertain key considerations for developing the Site in close proximity to key infrastructure.
Clause 5.10 – Heritage Conservation	The Subject Site has not been identified as containing any Historic (European) Heritage and / or Aboriginal Cultural Heritage items of significance.
Clause 5.11 – Bush Fire Hazard Reduction	<p>The Site is subject to bushfire prone land (Vegetation Buffer), for which the Proposed Development would consider potential bushfire affectations on the Site.</p> <p>The Site adjoins an environmentally sensitive area to the south (zoned E2 Environmental Conservation), which is identified as Bushfire Prone Land (Vegetation Category 1 &amp; 2), for which the Proposed Development will implement both Asset Protection Zones (APZs) and appropriate defensible space to manage and mitigate any potential bushfire hazards in accordance with <i>Planning for Bushfire Protection 2019</i> (PBP).</p>
Clause 6.1 – Acid Sulfate Soils	The Subject Site is not mapped as containing the potential for Acid Sulfate Soils on-site. Notwithstanding, geotechnical investigations and surveys for contamination on-site will include parameters to consider the presence of Acid Sulfate Soils on-site.
Clause 6.1A – Earthworks	The Proposed Development will consider any earthworks proposed across the Site in accordance with Clause 6.1A of the LCLEP2009. Additionally, as mentioned above, the Lane Cove Tunnel (M2 Motorway) intersects the Site, for which consultation with Transport for NSW (TfNSW) and Transurban will be undertaken as part of the Proposed Development to ascertain key considerations for developing the Site in close proximity to key infrastructure.

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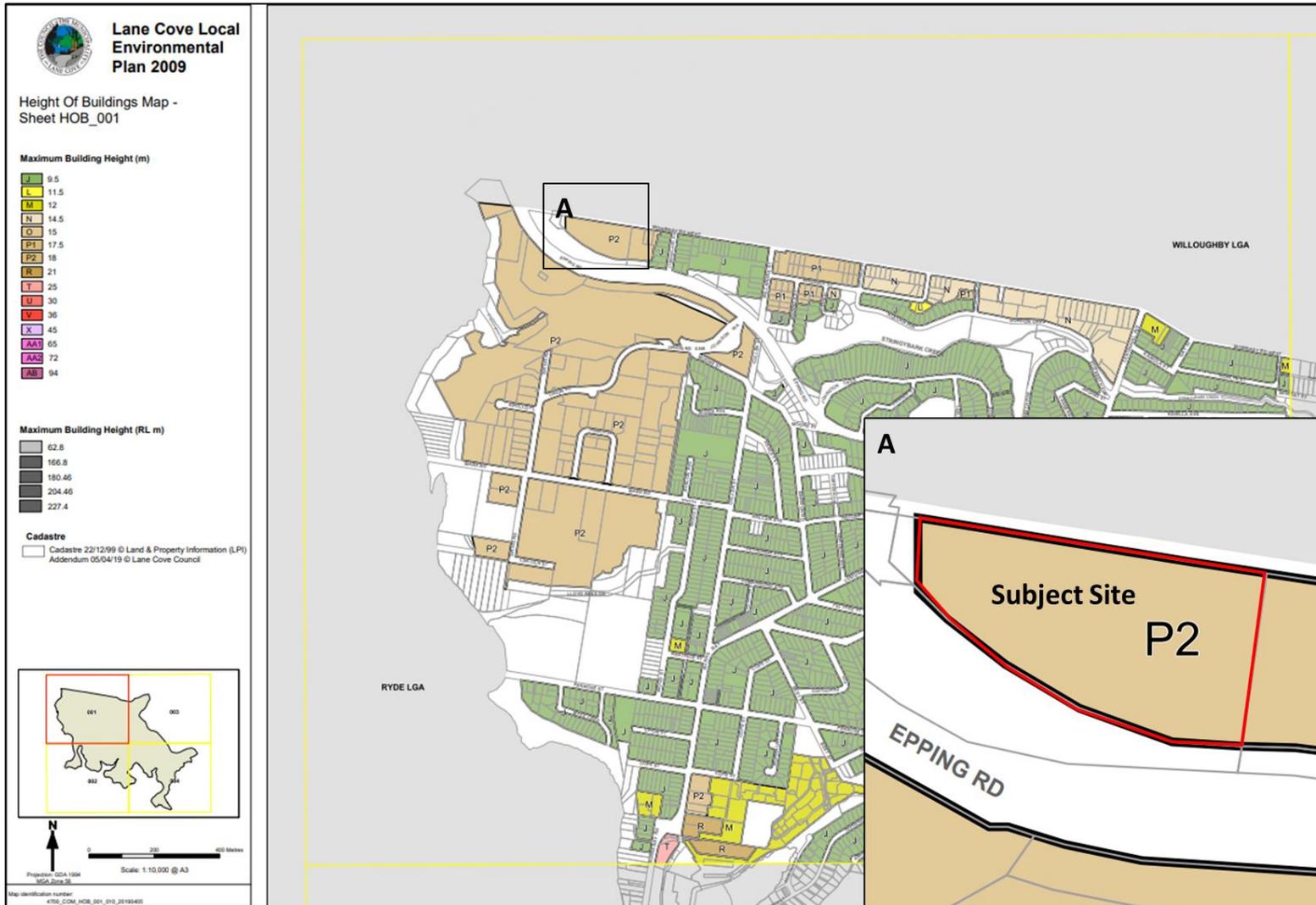
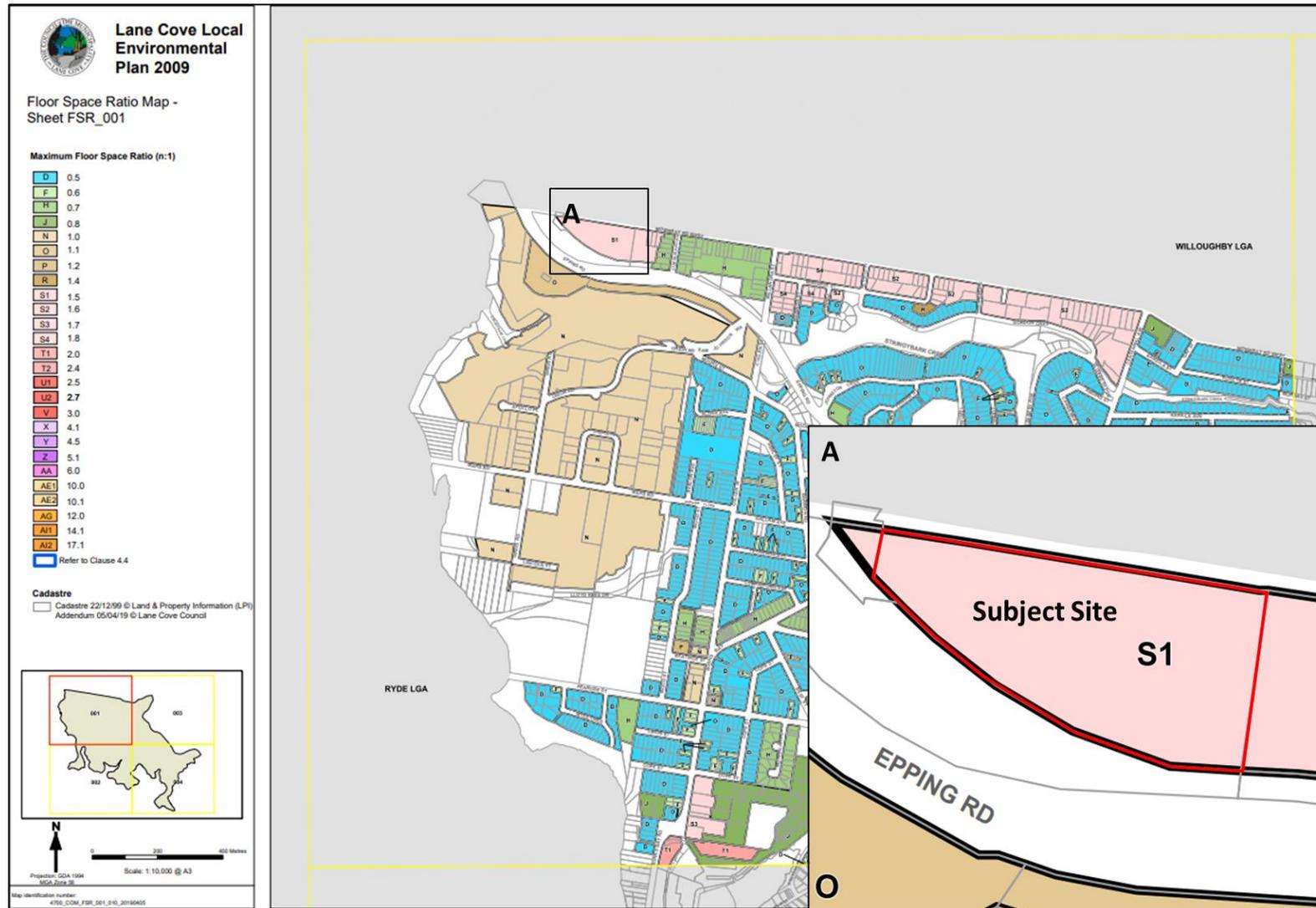


Figure 10 Maximum Building Height Applicable to the Subject Site and Surrounding Area under *Lane Cove Local Environmental Plan 2009* (Source: NSW Legislation, 2020)

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**Figure 11 Maximum Floor Space Ratio Applicable to the Subject Site and Surrounding Area under Lane Cove Local Environmental Plan 2009 (Source: NSW Legislation, 2020)**

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### 5.16 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft EPIs apply to the Subject Site.

### 5.17 LANE COVE DEVELOPMENT CONTROL PLAN 2009

The LCDCP2009 was formally adopted by Council on 19 October 2009 and came into regulatory effect as of 22 February 2010. The LCDCP2009 is to be read and applied in conjunction with the LCLEP2009, for which, if there is an inconsistency between the two (2), the LEP would prevail over the DCP.

The aims and objectives of the LCDCP2009 are as follows:

- *Provide detailed planning provisions supplementing the Lane Cove LEP 2009.*
- *Support the locality's sustainability in environmental, social and economic terms.*
- *Conserve, protect and enhance the environmental and built heritage of Lane Cove.*
- *Contribute to effective management of biodiversity.*
- *To protect the quality of water catchments, encourage the use of water sensitive urban design and promote the adoption of whole of water cycle management principles.*
- *Minimise any impacts of transition to higher residential and employment density zones.*
- *Minimise any impacts of the redevelopment of uses not conforming to the zone they are in, by having regard to the scale and character of the surrounding neighbourhood.*
- *Balance individual and community interests to preserve and, where appropriate, improve the existing character and amenity of the municipality.*
- *Enhance the visual quality and functionality of the public and private domain interrelationship.*
- *Achieve an overall character for neighbourhoods that enhance s their sense of identity and place.*
- *Provide a context for the economic vitality of centres.*
- *To promote use of public transport, walking and cycling as the main forms of access, particularly within commercial centres.*
- *Regulate the visual impact of all development within foreshore areas.*
- *Further the goal of equal access for all residents and visitors.*
- *Enhance opportunities for cultural experiences throughout the natural and built environment by promoting public art.*

Given the Site is located within the Lane Cove LGA, the Proposed Development will consider the LCDCP2009, which contains controls for industrial development. Controls relevant to the Subject Site and Proposed Development are outlined within **Table 4** below, which will be further assessed as part of the Proposal for consistency and completeness, despite DCP's not applying to SSD in accordance with Clause 11 of SEPP (SRD) 2011.

<b>Table 4: Lane Cove Development Control Plan 2009 (LCDCP2009) – Controls</b>	
<b>LCDCP2009 Clause</b>	<b>Control</b>
<b>Part B – General Comments</b>	
<b>B.2 Public Domain</b>	<b>2.1 General</b>  <i>Objectives:</i> <i>a) To provide public space that contributes to the identity and enjoyment of an area.</i> <i>b) To provide street furniture, landscaping works, water features, utilities, etc that contribute to the community's enjoyment of the public domain but does not impede pedestrian movement and safety nor visual quality.</i>

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	<p>c) <i>To provide venues for public entertainment and expression of community identity.</i></p> <p>d) <i>To provide areas for public art that contributes to the cultural life and enjoyment of the centre and allows for community self-expression.</i></p> <p>e) <i>To provide pedestrian surfaces that are safe for all users, clearly demarcated and constructed from materials that provide consistency and continuity of streetscape.</i></p> <p><i>Provisions:</i></p> <p>a) <i>All design should be in accordance with the relevant Public Domain Strategies that may be in place for precincts within the LGA and requirements of Australian Standards.</i></p> <p>b) <i>Provide seating in public spaces that is not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.</i></p> <p>c) <i>Position seating or seating areas at the edge of footpaths where through movement is not blocked.</i></p> <p>d) <i>Do not obscure pedestrian eye -level sight lines with landscaping or other street improvements.</i></p> <p>e) <i>Keep public areas free from clutter and unclear level changes, having particular regard for accessibility.</i></p> <p>f) <i>Maintain a high quality of lighting for security and amenity.</i></p> <p>g) <i>Provide formal and informal spaces for public entertainment including multi -functional street furniture, e.g. a flat bench may become an informal plinth for performance artists.</i></p> <p>h) <i>Provide at least one space within major and local centres that is large enough to hold an open-air performance, small public gathering or market.</i></p> <p>i) <i>Provide public notice boards and kiosks in locations where people will be gathering.</i></p> <p>j) <i>Integrate artworks into the design of public spaces. Consider artworks that serve a dual role, e.g. as play equipment for children, informal seating or a marker for a meeting place.</i></p> <p>k) <i>Consult with community groups in the design of artworks in public spaces.</i></p> <p>l) <i>Except where negotiated with the Council, provide all footpath paving along property frontages in accordance with Council's specifications including requirements for disabled. The extent, nature and type of paving materials includes tactile surfaces in appropriate locations to assist the visually impaired.</i></p> <p>m) <i>Include water features in public spaces, building entrances, foyers, facades and rooftops.</i></p> <p>n) <i>Provide roof top gardens where practicable and permissible in commercial buildings and residential flat buildings.</i></p> <p>o) <i>Plant trees where appropriate for shade, shelter and fauna and use native species and planting methods which minimise potable water consumption.</i></p> <p>p) <i>Where possible, make provision for bicycle parking spaces.</i></p>
<p><b>B.6 Environmental Management</b></p>	<p><b>6.1 Sunlight to Public Spaces</b></p> <p><i>Objectives:</i></p> <p>a) <i>To create public spaces with high amenity that encourages visitors to linger.</i></p> <p>b) <i>To ensure that there is adequate sun access to publicly accessible spaces during winter at times of the day when the space is likely to have its highest use by visitors and residents.</i></p>

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	<p>c) <i>To provide sufficient sunlight access for the growth of mature landscaping.</i></p> <p><i>Provisions:</i></p> <p>a) <i>New development must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June.</i></p>												
	<p><b>6.3 Energy and Water Efficiency for Buildings</b></p>												
	<p><i>Objectives:</i></p> <p>a) <i>Consider a balance of economic, environmental, cultural and social elements to enhance the quality of life in Lane Cove.</i></p>												
	<p><i>Provisions:</i></p> <p>a) <i>Incorporate passive solar design techniques to optimise heat storage within the building in winter and heat transfer in summer.</i></p>												
<p><b>Part E – Industrial Development</b></p>													
<p><b>E.5 Building Setbacks</b></p>	<p><i>Objectives:</i></p> <ol style="list-style-type: none"> <li><i>To minimise the impact of development and buildings on the surrounding area.</i></li> <li><i>To create a pleasant environment within and external to the site through adequate landscaping.</i></li> <li><i>To provide landscape to the street.</i></li> </ol> <p><i>Provisions:</i></p> <p>a) <i>Setbacks are to comply with the following table:</i></p> <table border="1" data-bbox="480 1104 1345 1429"> <thead> <tr> <th>Boundary</th> <th>Landscaping Strip (which will form part of building setback)</th> <th>Minimum Building Setback</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>3.0m</td> <td>8.0m</td> </tr> <tr> <td>Side and rear – adjoining industrial zone</td> <td>Zero*</td> <td>Zero*</td> </tr> <tr> <td>Side and rear – adjoining non industrial uses</td> <td>2.0m</td> <td>4.0m</td> </tr> </tbody> </table> <p><i>* Zero side and rear setbacks may be permitted where deep soil/landscaping provisions are met elsewhere on the site, BCA fire regulations are met, and merit issues are deemed acceptable in relation to adjacent properties.</i></p> <ol style="list-style-type: none"> <li><i>Landscaping strips are to be free from overhangs; hard elements such as paths, ramps, substations; fire hydrant boosters (where possible); signs and advertising structure (including pole signs). Landscaping strips may be used in calculation of landscaped area.</i></li> <li><i>All front setbacks are to be landscaped to provide a high quality street presence. Front setback areas must not be used for storage or display of goods or excessive signage, loading/unloading or large areas of car parking.</i></li> <li><i>Underground parking is to be situated underneath the building footprint and hard surfaces. The building setback is inclusive of the required landscaping strip as stipulated in the Setback Table.</i></li> <li><i>Corner Sites: New development on sites that have a corner frontage is to provide an 8 metre front setback to the main</i></li> </ol>	Boundary	Landscaping Strip (which will form part of building setback)	Minimum Building Setback	Front	3.0m	8.0m	Side and rear – adjoining industrial zone	Zero*	Zero*	Side and rear – adjoining non industrial uses	2.0m	4.0m
Boundary	Landscaping Strip (which will form part of building setback)	Minimum Building Setback											
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Side and rear – adjoining industrial zone	Zero*	Zero*											
Side and rear – adjoining non industrial uses	2.0m	4.0m											

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	<i>street/road and a minimum 4 metre setback to the secondary road/street.</i>
<b>E.8 Parking and Vehicular Access</b>	<p><i>Objectives:</i></p> <ol style="list-style-type: none"> <li><i>1. To ensure sufficient car parking is provided on -site to satisfy the likely peak parking demands of the development as per the RTA requirements.</i></li> <li><i>2. To reduce potential conflict with street traffic and pedestrians.</i></li> <li><i>3. To provide disabled parking where appropriate in accordance with the RTA's requirements.</i></li> <li><i>4. Create attractive landscaped car parking throughout the development.</i></li> <li><i>5. To provide sufficient secure bicycle storage facilities.</i></li> </ol> <p><i>Provisions:</i></p> <ol style="list-style-type: none"> <li><i>a) Parking is to be integrated into the site planning and must be visually mitigated by minimum 3m landscape strip along the frontage and other high quality landscaping.</i></li> <li><i>b) Separation is to be provided between service areas (i.e. loading and unloading areas) and parking. Service areas to be located and designed to facilitate convenient and safe usage.</i></li> <li><i>c) Access/Driveways - Vehicular movements to and from the site should be designed to reduce potential conflict with street traffic and pedestrians.</i></li> <li><i>d) Driveway width in front of the building line must be minimised.</i></li> <li><i>e) Car parking areas are to be broken up by canopy trees between car parking bays to reduce their visual impact. Car parking areas are not to be exposed to the street and where they adjoin other uses they are to be screened with landscaping to reduce their impact.</i></li> <li><i>f) All vehicles should enter and leave the site in a forward direction.</i></li> <li><i>g) No tandem parking facilities will be accepted for new developments.</i></li> <li><i>h) Preferably, off -street parking is to be provided behind or at the side of buildings and away from street frontages.</i></li> <li><i>i) Visitor car parking is to be located close to the office component of the development.</i></li> <li><i>j) Loading docks should be positioned so they do not interfere with visitor and employee parking spaces and to ensure delivery vehicles do not stand on any public road, footway, laneway or service road.</i></li> <li><i>k) Proposed parking areas, truck docks, driveways, vehicular ramps and turning areas are to be maintained clear of obstruction and used exclusively for purposes of car parking, loading or unloading and vehicular access respectively. Under no circumstances are such areas or any portion thereof to be used for the storage of goods and waste materials. These areas are to be physically line marked and are to be maintained free of obstruction, for the sole use of delivery vehicles.</i></li> <li><i>l) Motorcycle parking spaces are to have an area of 1.2m x 3m.</i></li> </ol>
<b>Part J – Landscaping</b>	
<b>J.1 Landscaping</b>	<b>1.6 How much landscaped area is required?</b>

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	Development Type	Minimum % of site to be landscaped area (ie, deep soil)	Additional - Minimum % of site to be planting on structures or landscaped area										
	Single dwellings & dual occupancies	35%	N/A										
	Attached dwellings*, townhouses and villas	35%	N/A										
	Residential flat buildings	25 %	15%										
	Motels	50%	N/A										
	Industrial	20 %	10%										
* For attached dwellings, landscaped area is to be calculated per lot, not on the overall development as these dwellings will be subdivided into individual Torrens title allotments.													
<b>Part O – Stormwater Management</b>													
<b>O.9 Hydrology and Hydraulics</b>	<b>9.1 Design Average Recurrence Intervals</b>												
	<b>9.1.1 Determining Flowrates</b>  <i>The following table indicates the required design capacities for various elements in a stormwater system.</i>												
	<table border="1"> <thead> <tr> <th>Element of Stormwater System</th> <th>Design ARI</th> </tr> </thead> <tbody> <tr> <td>All pipes and all associated components</td> <td>20 year</td> </tr> <tr> <td>Overland flowpaths</td> <td>100 year</td> </tr> <tr> <td>Outflows into unstable watercourses</td> <td>20 year</td> </tr> <tr> <td>Flows along an unstable watercourse</td> <td>5 year</td> </tr> </tbody> </table>		Element of Stormwater System	Design ARI	All pipes and all associated components	20 year	Overland flowpaths	100 year	Outflows into unstable watercourses	20 year	Flows along an unstable watercourse	5 year	
Element of Stormwater System	Design ARI												
All pipes and all associated components	20 year												
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Flows along an unstable watercourse	5 year												
<b>Part R – Traffic, Transport and Parking</b>													
<b>R.2 Parking</b>	<b>2.2 Car Parking Rates</b>  <i>Provisions:</i> <ol style="list-style-type: none"> <li>Developments should comply with on-site car parking rates in Table 1;</li> <li>Deviation from the car parking rates in Table 1 will only be considered in special circumstances mentioned previously;</li> <li>Each residential dwelling with one or more bedrooms must be provided with a minimum of 1 allocated car parking space;</li> <li>Small car spaces, with minimum dimensions of 2.3m x 5.0m (as detailed in AS2890.1) are not permitted in private car parks and must form no more than 10% of the overall parking provision in public car parks.</li> </ol>												

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	<b>Industry</b>	
	Industry or warehouse or distribution centre	<p>1 per 60m<sup>2</sup> of ancillary office area</p> <p>+ 1 per 77m<sup>2</sup> of light industrial area</p> <p>+ 1 per 300m<sup>2</sup> of warehouse area</p> <p>+ 1 disabled space per 50 car spaces (minimum 1 disabled space)</p>
		N/A

### 2.2.1 Review of Key Planning Controls

A review of the key planning controls applicable to the Subject Site are outlined in **Table 5** below.

Table 5: LCLEP2009 and LCDCP2009 Compliance Table		
Control	Requirement	Proposed
Minimum Lot Frontage (m)	N/A	8 m
Height (m)	Maximum 18 m (LCLEP2009)	38 m
GFA (m <sup>2</sup> )	N/A	24,689 m <sup>2</sup>
FSR	Maximum 1.5:1 (LCLEP2009)	1.4:1
Minimum Building Setbacks (m) - Front	Minimum Building Setback: 8.0 m. Landscaping Strip (which will form part of the building setback): 3.0 m.	Building Setback: 8 m Landscape Strip: 3 m minimum
Minimum Building Setbacks (m) – Side and Rear (adjoining industrial zone)	Minimum Building Setback: Zero* Landscaping Strip (which will form part of the building setback): Zero*  <b>Note:</b> * Zero side and rear setbacks may be permitted where deep soil/landscaping provisions are met elsewhere on the site, BCA fire regulations are met, and merit issues are deemed acceptable in relation to adjacent properties.	Side Building Setback: 10.98 m  Side Minimum Landscape Setback: 0 m
Minimum Building Setbacks (m) – Side and Rear (adjoining non industrial uses)	Minimum Building Setback: 4.0 m. Landscaping Strip (which will form part of the building setback): 2.0 m.	Rear Building Setbacks: 19.9 m, 30.9 m, 26.6 m.  Rear Landscape Setback: 20.4 m maximum  Side Minimum Building Setback: 41.4 m  Side Minimum Landscape Setback: 18.5m
Landscaping	<ul style="list-style-type: none"> <li>20% of the Site is to include landscaping (i.e. deep soil landscaping); and</li> </ul>	3,507 m <sup>2</sup>

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	<ul style="list-style-type: none"><li>Additional 10% of the Site is to comprise planting on structures or landscaped areas.</li></ul>	
Car Parking	<p>Industry or warehouse or distribution centre:</p> <ul style="list-style-type: none"><li>One (1) space per 60 m<sup>2</sup> of ancillary office area; plus</li><li>One (1) space per 77 m<sup>2</sup> of light industrial area; plus</li><li>One (1) space per 300 m<sup>2</sup> of warehouse area; plus</li><li>One (1) disabled space per 50 car spaces (minimum one (1) disabled space).</li></ul>	50 spaces

### 5.18 LANE COVE DEVELOPMENT CONTRIBUTIONS PLANS

Lane Cove Council has adopted the Lane Cove Section 94 Contribution Plan (Section 7.11 as per the EP&A Act amendments). The Section 7.11 Contribution Plans would be applicable to any future proposed development made under Part 4 of the EP&A Act. Future development would require utilisation of the formula applied to Commercial, Retail and Industrial developments, which includes:

$$\$C = T/F \times A$$

**Note:**

- C = Contribution per square metre of new commercial / retail floor space.
- T = The actual cost of providing improvements for new development.
- A = Administrative costs.
- F = The project increase in commercial / retail floor space to the Year 2005.

**\*Note:** Contributions would require to be confirmed with Lane Cove Council prior to future development being undertaken.

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### **PART F ENVIRONMENTAL ASSESSMENT**

A screening analysis of the environmental issues applicable to the Proposal is presented in **Sections 6.1-6.13** below in sequential order of importance and relevance to the Proposal. This risk-based analysis has been used to identify the key environmental issues for further assessment and assist the preparation of the SEARs with respect to the Proposed Development.

The analysis is based on preliminary environmental assessment of the Site only. The EIS for the Proposal will fully address these items and other key environmental issues relevant to the Proposal.

#### **6.1 VISUAL AMENITY / URBAN DESIGN**

The built form would be designed to incorporate architectural elements that articulate the facades and provide a sufficient level of visual amenity within the public domain. Consideration would be given towards both the closely located R2 Low Density Residential zone opposing the Site on the northern interface of Mowbray Road West, for which increased landscaping provisions will be considered along this portion of the Site, as well as improved architectural treatments where deemed appropriate.

Potential visual impacts as a result of the Proposed Development would be assessed via means of a Landscape and Visual Impact Assessment, which would include an assessment of the proposed layout and design in accordance with the following principles and best-practice approaches identified within the following documents (but not limited to):

- *Guidelines for Landscape and Visual Impact Assessment (GLVIA) – Third Edition (LI/IEMA, 2013);* and
- *The Landscape Institute Advice Note 01 (2011) – Photography and Photomontage in Landscape and Visual Assessment.*

#### **6.2 NOISE**

The Site is considered to be sufficiently separated from any noise sensitive receivers, including the identified Low Density Residential receivers identified on the northern side of Mowbray Road West. Notwithstanding, the Proposal would consider both construction and operational acoustic impacts (noise and vibration) having regard to the NSW EPA Industrial Noise Criteria, including the Noise Policy for Industry (NPI) document, the Interim Construction Noise Guideline (ICNG), as well as relevant controls articulated within the LCDCP2009.

Potential noise impacts generated during the construction phase of the Proposed Development would be localised through construction traffic and construction equipment, for which a Construction Noise and Vibration Management Plan (CNVMP) would be prepared and implemented for the Site where required, which would satisfactorily address any potential noise and vibration impacts anticipated during the construction phase of the Proposal.

Operational noise would be attributed to proposed plant and equipment including backup generators to be distributed throughout the proposed Data Centre. It is noted, that a qualitative and quantitative Noise and Vibration Impact Assessment would be undertaken by a suitably qualified Acoustic Engineer to confirm the Proposed Development does not exceed the relevant acoustic emissions criteria for operational noise with respect to both the amenity and intrusiveness criteria. Where potential impacts are identified, suitable acoustic attenuation and mitigation measures would be recommended and implemented across the Site where required.

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### **6.3 AIR QUALITY**

Given the nature of the Proposed Development being for a Data Centre, air quality impacts would be considered accordingly, with particular consideration given towards air quality impacts from the use of proposed generators across the Site. It is noted, that the generators are for standby emergency backup power only and would be used only when required; thereby, the potential air quality impacts associated with the operational phase would be considerably low. Notwithstanding, potential air quality impacts will be detailed within the EIS.

During demolition and construction, air quality would be managed through appropriate dust mitigation measures.

Accordingly, an Air Quality Impact Assessment would be prepared by a suitably qualified expert to accompany the EIS.

### **6.4 HAZARDS AND RISKS**

As only diesel fuel is to be stored on-site, the provisions under SEPP 33 do not apply. Notwithstanding, a Preliminary Risk Screening will be undertaken in accordance with the relevant SEPP 33 thresholds to establish the storing of Dangerous Goods on-site. Lithium batteries are also proposed to be utilised throughout the proposed Data Centre; however, appropriate storage protocols would be implemented to provide a safe and efficient operation.

It is noted, that ongoing consultation will be undertaken with the NSW DPIE (Hazards Team), NSW EPA and FRNSW to ensure all potential impacts with regard to diesel fuel storage and associated potentially hazardous materials, i.e. lithium batteries has been accounted for. Accordingly, the Proposed Development would be supported by a Fire Engineering Letter of Support which considers fire safety across the Site and any relevant Performance Solutions required to be considered prior to the issue of the relevant Construction Certificate.

The requirement for an Environmental Protection Licence (EPL) will be considered following the preparation of the finalised design and ensuing Preliminary Risk Screening has been undertaken for the Proposal.

### **6.5 TRAFFIC AND TRANSPORT**

Suitable provision is made to accommodate and service the Proposed Development in relation to traffic and transport, including appropriate consideration of access from Mowbray Road West, which provides enhanced connectivity to the wider regional road network including the closely linked Epping Road and the M2 Motorway. Additionally, suitable parking provisions (Council) and swept paths have been considered across the Site, which would be further analysed within the ensuing Traffic Impact Assessment (TIA) to be prepared as part of the SSD Application. It should be noted, that despite a relatively large-scale built form platform, the Proposal entails a low volume of traffic generation requiring ingress and egress to the Site.

Notwithstanding, a qualitative and quantitative TIA would be prepared by a suitably qualified Traffic Engineer, which would consider the potential traffic related impacts as a result of the Proposal on the surrounding road network; access and design; car parking; and trip generation (including relevant swept path analysis).

### **6.6 SOIL AND WATER**

During the construction phase of the Proposal, an Erosion and Sediment Control Plan (ESCP) would be implemented to protect the downstream drainage system and associated receiving waters from any potential sediment-laden runoff.

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Earthworks would be designed to minimise the extent of cut and fill and allow the balance of soil to be re-used on-site. Topsoil would be stockpiled for re-use within landscaped areas where possible. Minor regrading would be required to facilitate the building pad for construction purposes.

With regard to water quantity across the Site, the Proposed Development will include provisions for On-site Stormwater Detention (OSD) to capture all site stormwater runoff and manage overland flow across the Subject Site. The Proposed Development will include a satisfactory stormwater management cycle which includes a Water Sensitive Urban Design (WSUD) strategy which achieves Council's stormwater and pollution reduction targets across the Site. It is anticipated that ongoing consultation with the NSW DPIE, Lane Cove Council, NSW EPA and TfNSW will occur throughout the SSD Application.

Rainwater harvesting would also be applied across the Site (where considered practical), which will incorporate re-use in irrigation methods and recycled potable water components, i.e. toilet flushing.

### **6.7 INFRASTRUCTURE AND SERVICES**

All essential infrastructure services would be augmented accordingly for the Proposed Development, including potable water, wastewater, electricity, gas and telecommunications. With respect to the Lane Cove Tunnel, ongoing engagement will be undertaken with TfNSW and TransUrban to ensure there are negligible impacts anticipated to occur on this infrastructure asset as a result of the Proposed Development.

Preliminary geotechnical and desktop investigations undertaken by ARUP reveal that the Lane Cove Tunnel is located approximately 40-50 m below the proposed Data Centre foundations, for which the majority of material between the proposed foundations and the Lane Cove Tunnel comprise densely compacted rock.

Comprehensive investigations, comprising geotechnical, noise and vibration are to be undertaken as part of the subject SSD Application, which would confirm any potential impacts (if any) that would likely be incurred as a result of the Proposed Development. Any recommendations provided would be implemented within the relevant Construction and Environmental Management Plans to be incorporated into the Proposal upon Development Consent being obtained. These recommendations would be issued to both TfNSW and TransUrban to gain their support.

### **6.8 SITE LAYOUT AND DESIGN**

The Site Layout and built form design (including landscaping) responds to the Site constraints, thus providing a highly functional development which enhances the visual amenity of the Site, by revitalising a dilapidated industrial landform into a modernised building that will not detract from the amenity of nearby residential receivers. Suitable provision is made for service vehicles within the Site, which would be supported by detailed swept paths within the ensuing EIS and TIA.

Additionally, the configuration of the Proposal takes into consideration the desired street connectivity and circulation required throughout the Site that can accommodate a development for the purposes of a Data Centre.

### **6.9 BUSHFIRE**

The Subject Site is identified as Bushfire Prone Land (Vegetation Buffer), for which the Proposed Development will include provisions for the preparation of a Bushfire Impact Assessment in accordance with potential bushfire impacts, including recommendations

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pertaining to defendable space and Asset Protection Zones (APZs), as well as ensuring compliance with the *Planning for Bushfire Protection 2019* (PBP 2019) document.

### **6.10 SOCIO-ECONOMIC IMPACTS**

The Proposal would positively impact on the social and economic conditions of the Lane Cove LGA and the wider Sydney Metropolitan Region, which are envisaged for employment-generation and economic growth and prosperity. Construction jobs are expected to be in the order of approximately 300, whilst operational jobs would be expected to exceed approximately 50 future staff (which includes maintenance contractors).

### **6.11 BIODIVERSITY**

Potential impacts to native vegetation across the Site would be appropriately assessed within the Biodiversity Development Assessment Report (BDAR), which will be prepared in accordance with respect to the Biodiversity Assessment Methodology (BAM). For any clearing required, it is expected that the species would be offset in accordance with the provisions of the Biodiversity Offsets Scheme (BOS).

### **6.12 ABORIGINAL CULTURAL HERITAGE AND NON-ABORIGINAL HERITAGE**

Earthworks proposed will be required to consider the potential impacts to Aboriginal Cultural Heritage across the Site, for which the Proposal will be supported by an Aboriginal Cultural Heritage Assessment Report (ACHAR).

The recommendations required to be implemented as a result of the findings of the ACHAR would be carried across in relation to the subject Proposal for the purposes of a Data Centre as part of the overarching management and mitigation measures within the EIS to be prepared.

### **6.13 WASTE**

Demolition, construction and operational waste would be managed in accordance with a site-specific Waste Management Plan to be prepared with respect to the Proposal. This would include provisions for recyclables and suitable offsite disposal.

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### **PART G CONCLUSION**

The Proposed Development would equate to a CIV of more than \$50 Million, thus the Proposed Development is defined as SSD pursuant to Schedule 1, Part 25 of the SRD SEPP.

The Site is situated within the Lane Cove LGA and is complimented by surrounding developments of similar contextual importance; therefore, the Site is considered highly suitable for the Proposed Development, given the industrial-related uses (data storage) proposed.

The Proposed Development is considered to align with the strategic objectives of the LCLEP2009 and continues to support employment-generating opportunities within the wider Sydney Metropolitan Region. Furthermore, the Site is located within close proximity to housing and key infrastructure. In this respect, the Proposed Development would provide for economic growth and prosperity for the Lane Cove LGA.

Additionally, as noted throughout this Report, the Proposed Development would be carried out in an environmentally and ecologically sustainable manner and would further implement suitable mitigation measures to ensure that the amenity and function of surrounding land uses would not be compromised.

It is requested that NSW DPIE issue formal SEARs for the preparation of an EIS for the Proposed Development as SSD.

## **APPENDIX 1** Preliminary Architectural Plans

**APPENDIX 2**  
Preliminary Cost Report