



Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West (Lot 1 in DP1151370)

Prepared by Willowtree Planning on behalf of Greenbox
Architecture

November 2018

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Request for Secretary’s Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove West

TABLE OF CONTENTS

PART A	PRELIMINARY	1
1.1	INTRODUCTION.....	1
PART B	SITE ANALYSIS	2
2.1	SITE LOCATION & EXISTING CHARACTERISTICS.....	2
PART C	PROJECT SUMMARY	9
3.1	AIMS AND OBJECTIVES OF THE PROPOSED DEVELOPMENT	9
3.2	DESCRIPTION OF THE PROPOSED DEVELOPMENT	9
3.3	DATA CENTRE OPERATIONS AND PROCEDURES.....	9
3.4	STAGING OF DEVELOPMENT	10
3.5	CAPITAL INVESTMENT VALUE	10
3.6	CONSULTATION.....	10
PART D	JUSTIFICATION	12
PART E	LEGISLATIVE AND POLICY FRAMEWORK	13
5.1	ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999	13
5.2	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	13
5.3	ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000	13
5.4	PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1979.....	14
5.5	BIODIVERSITY CONSERVATION ACT 2016	14
5.6	STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011.....	14
5.7	STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007.....	14
5.8	STATE ENVIRONMENTAL PLANNING POLICY NO. 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT	15
5.9	STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND	15
5.10	STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018.	15
5.11	LANE COVE LOCAL ENVIRONMENTAL PLAN 2009.....	16
PART F	ENVIRONMENTAL ASSESSMENT	18
PART G	CONCLUSION	20

Figures

Figure 1: Site Layout and Surrounding Site Characteristics.....	3
Figure 2: The Site - Cadastral Boundaries	4
Figure 3: Site Zoning Map.....	5
Figure 4: Bushfire Map	6
Figure 5: Riparian Land Map	7
Figure 6: Coastal SEPP Map.....	8
Figure 7: Proposed Preliminary Site Plan.....	11

Tables

Table 1 Local Environmental Planning Framework Applying to the Site	16
Table 2: Environmental Screening Analysis	18

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove Wes

PART A PRELIMINARY

1.1 INTRODUCTION

This Scoping Report has been prepared by Willowtree Planning Pty Ltd on behalf of Greenbox Architecture (Greenbox – referred to as the Applicant hereafter) and is submitted to the NSW Department of Planning and Environment (DP&E) in support of a formal request for Secretary's Environmental Assessment Requirements (SEARs).

The Applicant is proposing to construct and operate a Data Centre on the subject site.

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* (LLEP 2009). Development for the purpose of a warehouse or distribution centre is permissible with consent in the zone.

Additionally, the proposed development satisfies the definition of State Significant Development (SSD) pursuant to Schedule 1 Part 12 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 that would 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 to include:

- Soil and water;
- Noise;
- Air quality;
- Flora and fauna;
- Waste;
- Traffic and transport;
- Visual amenity and site design;
- Infrastructure and services;
- Social Impacts; and,
- Economic Impacts.

The proposed development would promote the enhanced development of the Metropolitan Sydney Region, ultimately providing for employment opportunities and an advanced facility to support the growth and development of IT infrastructure.

PART B SITE ANALYSIS

2.1 SITE LOCATION & EXISTING CHARACTERISTICS

The site is located within the suburb of Lane Cove West which forms part of the Lane Cove Local Government Area (LGA). It is located approximately 12 kilometres north-west of the Sydney Central Business District.

The site is located within the Lane Cove Light Industrial Area, with access to Sirius Lane to the East (refer to **Figure 1** and **Figure 2**). The surrounding land uses include:

- Epping Road to the North east zoned SP2 Infrastructure;
- Lane Cover River and Lane Cove National Park, including land zoned E2 Environmental Conservation and RE1 Public Recreation to the west;
- Blackman Creek to the south; and
- Lane Cove West Public School to the east.

1 Sirius Road, Lane Cove West is currently an undeveloped site which is interspersed with vegetation. The site lies within land zoned IN2 Light Industrial under LCLEP 2009 (**Figure 3**) and affords an area of approximately 3.958ha. The site is located approximately 150m east of Lane Cove National Park and is mapped as containing bushfire prone land (refer to **Figure 4**), Riparian Lands and Watercourses (**Figure 5**) and Coastal Wetlands and Proximity Area for Coastal Wetlands (refer to **Figure 6**). It should be further noted that an electricity transmission tower is located in close proximity to the site with overhead power lines potentially being over the western boundary of the site.

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove Wes



Figure 1: Site Layout and Surrounding Site Characteristics (Six Maps, 2018)

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West

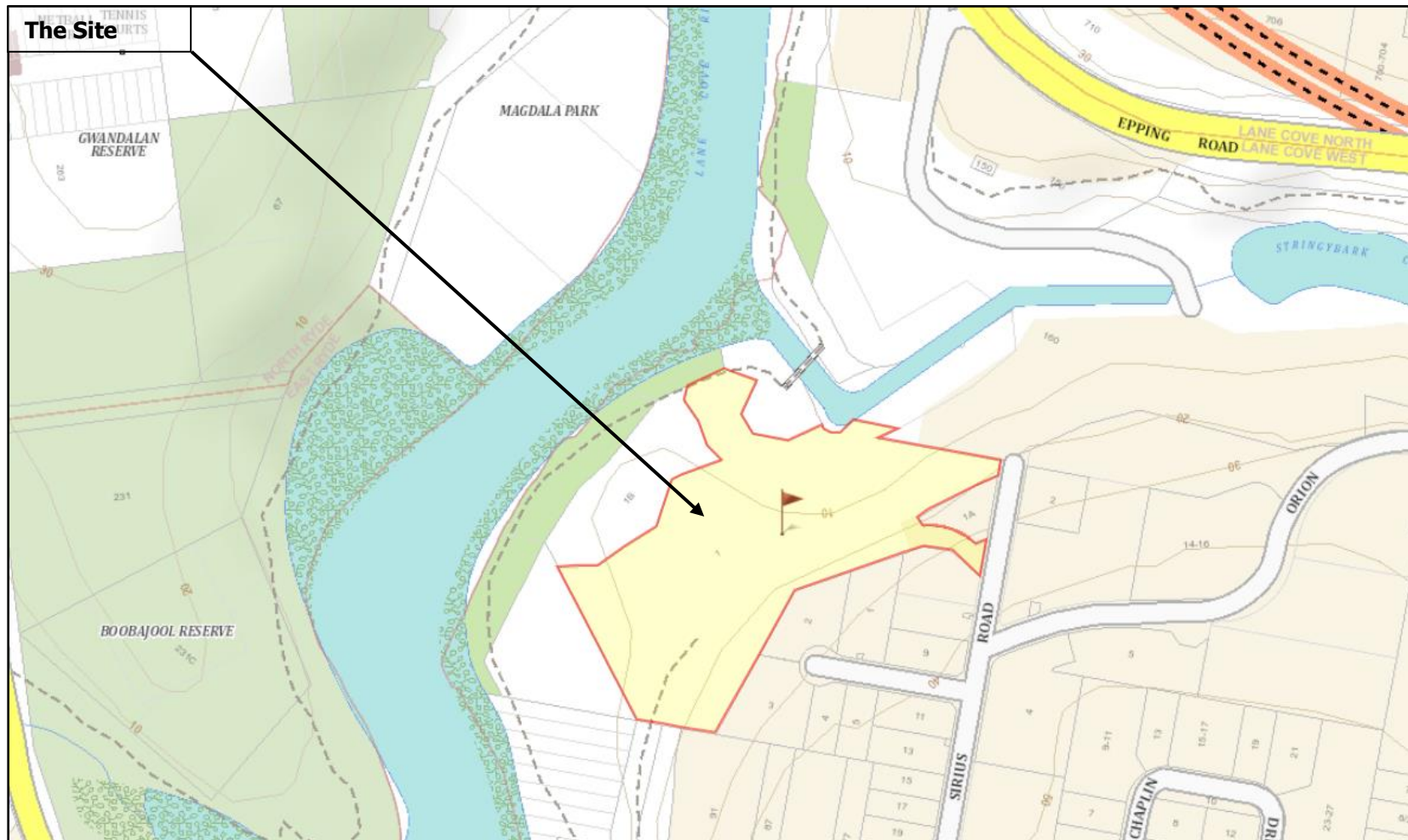


Figure 2: The Site - Cadastral Boundaries (Six Maps, 2018)

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West

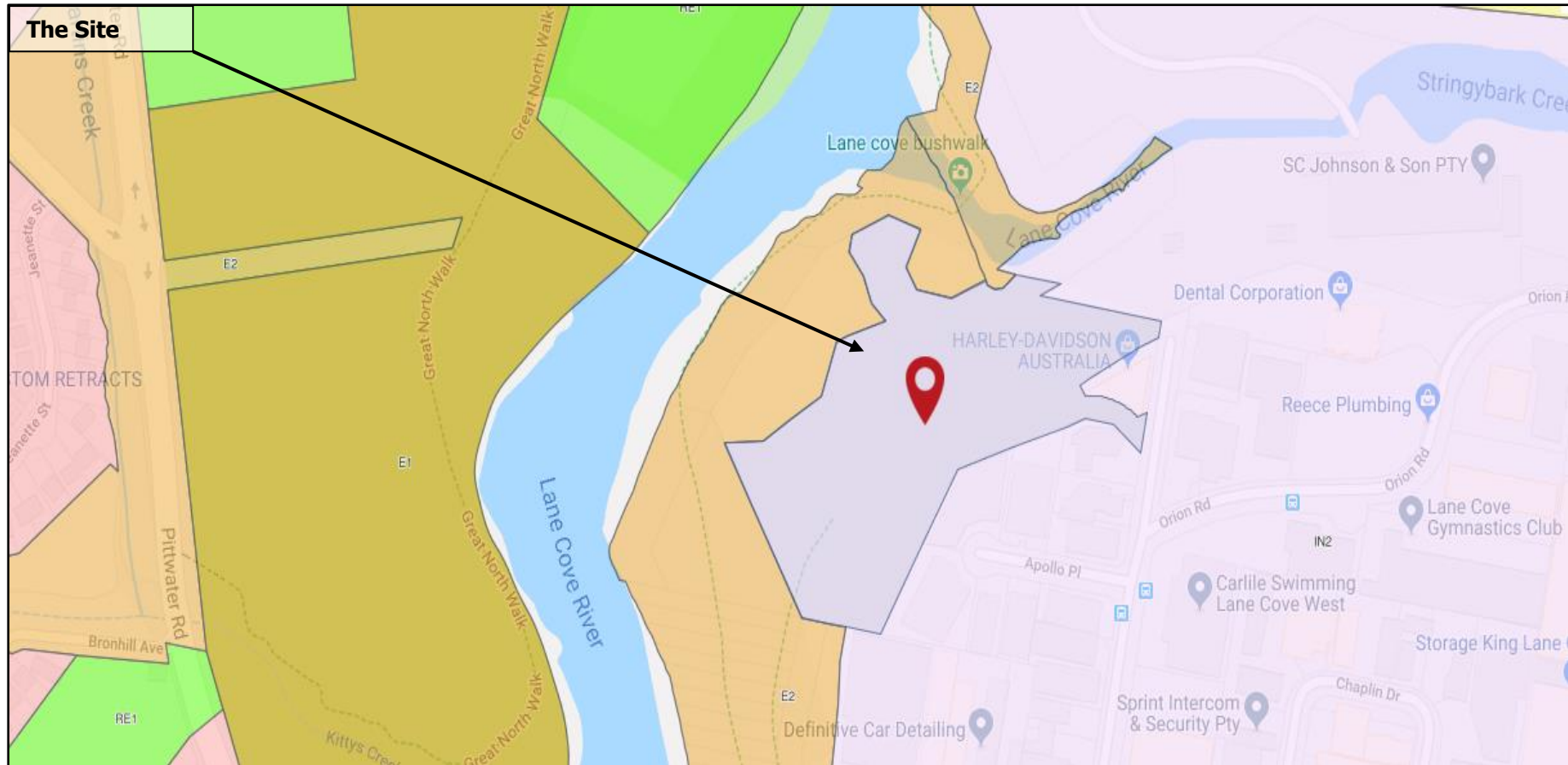


Figure 3: Site Zoning Map (Planning Portal, 2018)

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West



Figure 4: Bushfire Map (Planning Portal, 2018)

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West

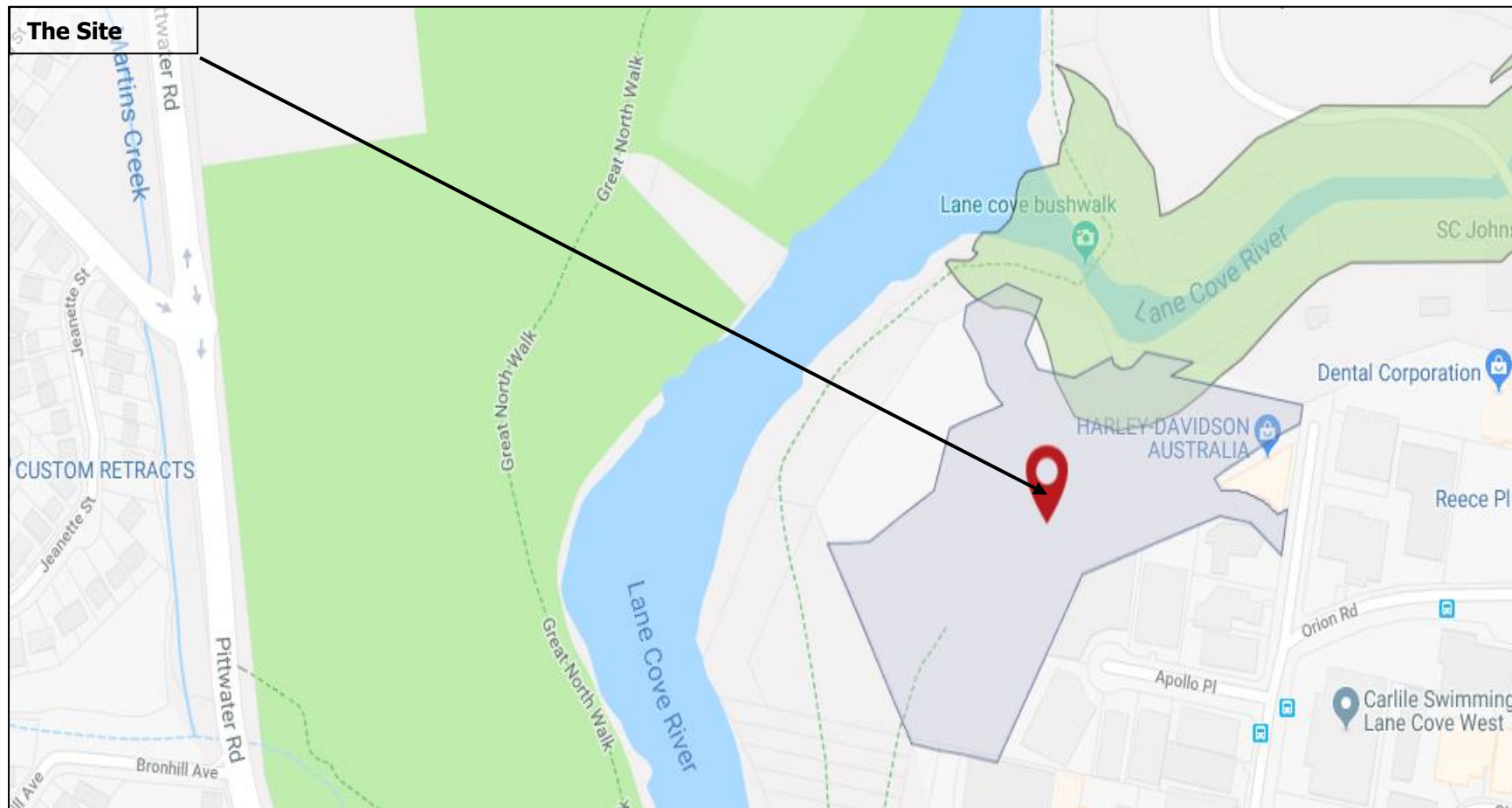


Figure 5: Riparian Land Map (Planning Portal 2018)

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West

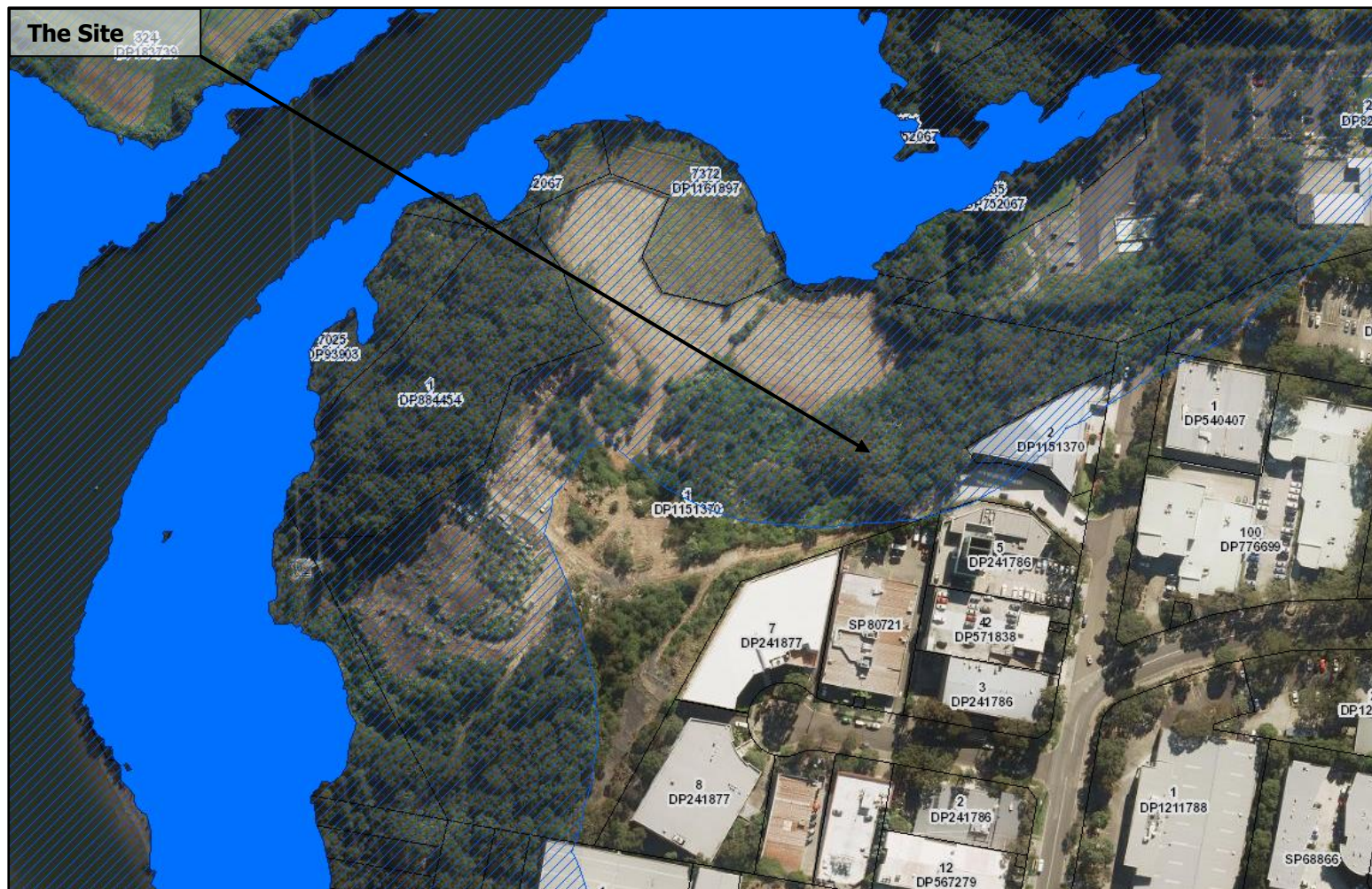


Figure 6: Coastal SEPP Map (Planning Portal, 2018)

PART C PROJECT SUMMARY

3.1 AIMS AND OBJECTIVES OF THE PROPOSED DEVELOPMENT

The following objectives have been identified as forming the basis of the proposed development with regard to the proposed Data Centre:

- 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 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 land that has been previously disturbed and used for industrial purposes.

A preliminary site plan is provided below for reference (**Figure 7**).

3.2 DESCRIPTION OF THE PROPOSED DEVELOPMENT

Consent is sought to carry out construct and operate a Data Centre, to achieve optimal efficiency outcomes in line with best practice. The overall scope of the proposed development is outlined as follows:

1. Data Centre Building

- The proposed Data Centre building comprising 35,144sqm of Gross Floor Area with associated plant and equipment;
- Electrical substation and associated infrastructure;
- Maximum building height up to 24m (over three levels);
- Landscaped area 10,260sqm (26%)
- Ancillary office area and loading docks;
- Bulk earthworks and vegetation clearing;
- 24/7 operation;

3.3 DATA CENTRE OPERATIONS AND PROCEDURES

Once the development project is fully commissioned and handed over to the operations team, staff and contractors manage 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 ensure the site remains compliant with government regulations and best in class global standards for data centre operations.

The main facets of the Data Centre operations are 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.

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove West

3.4 STAGING OF DEVELOPMENT

The approval strategy sought, seeks to obtain development consent to complete the construction works over multiple stages; 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 is required.

3.5 CAPITAL INVESTMENT VALUE

While costs have not yet been finalised, the CIV of this project is expected to be approximately \$200 Million. The costs will be finalised once the final design is confirmed.

As this exceeds the \$50 Million threshold under Schedule 1 Part 12 of the SRD SEPP, the proposed development is considered SSD.

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;
- NSW DPI Water;
- Aboriginal Land Council;
- NSW Environment Protection Authority;
- NSW Roads and Maritime Services;
- Transport for NSW;
- Endeavour Energy;
- Office of Environment and Heritage; and
- Surrounding landowners.

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.

Request for Secretary's Environmental Assessment Requirements
Proposed Data Centre
1 Sirius Road, Lane Cove West

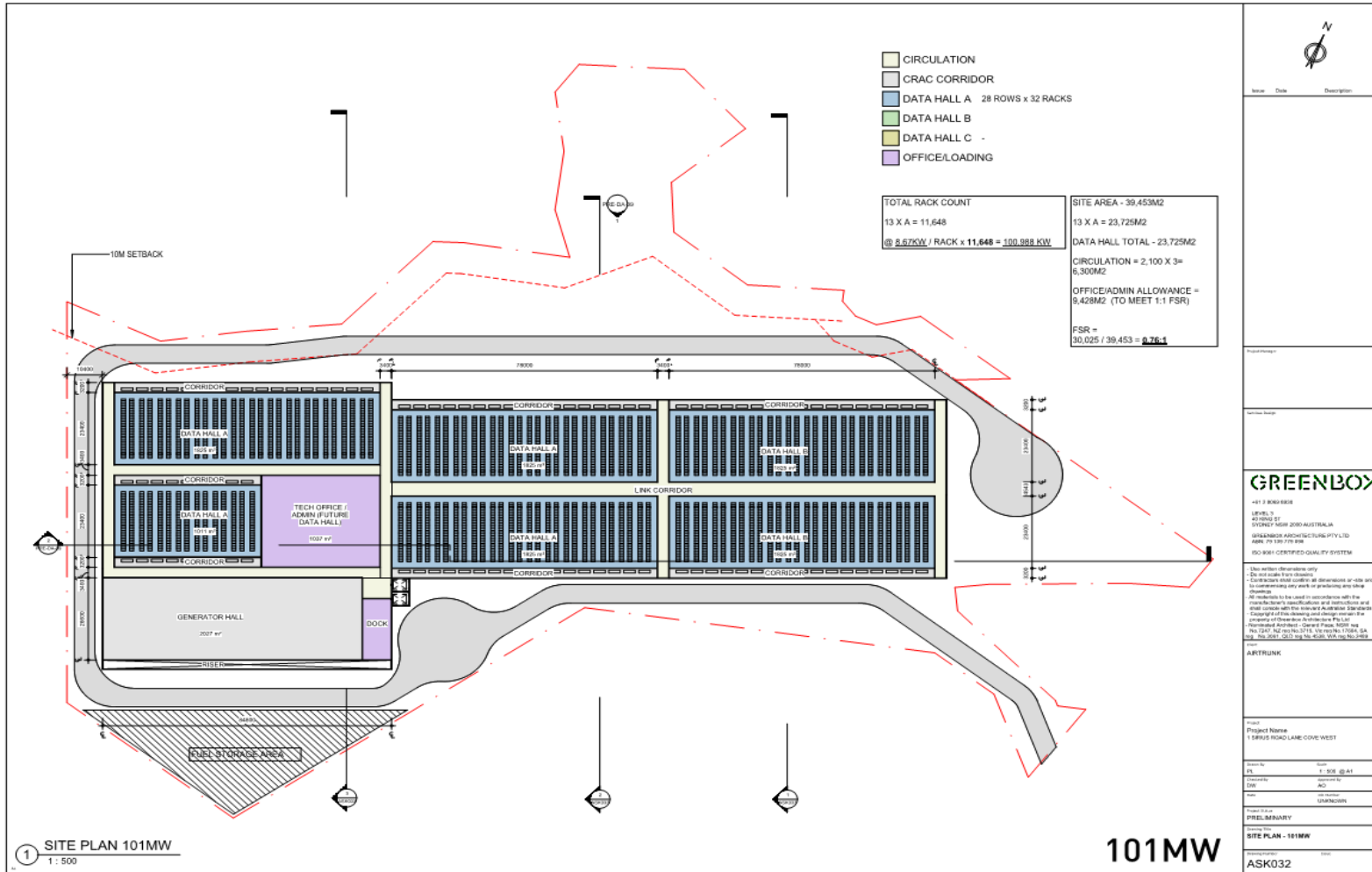


Figure 7: Proposed Preliminary Site Plan (Greenbox, 2018)

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove West

PART D JUSTIFICATION

The intention of the proposed development is to construct and operate a Data Centre facility which provides secure, reliable and scalable solutions for cloud, content and large enterprise customers to house their high and 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 development proposed is considered suitable, and the built form changes would enhance and renew the site. Furthermore, this would be achieved by the resultant built form that would reinforce the working character of the land.

It is noted that the site is presently vacant and is underutilised having regard to the industrial zoning which applies.

The options considered, and subsequently dismissed, in arriving to the current proposal included:

(a) 'Do Nothing' Scenario

This option was dismissed as the objectives of the project would not be met. If the proposed development was not to proceed, the site would continue to remain vacant. The topography of the site is such that it is not suitable for a conventional warehousing and distribution operation, whereas the proposed Data Centre can step with the slope of the land, resulting in minimal environmental impact.

(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:

- The site is suitably located with respect to sensitive land activities including residential development;
- All potential environmental impacts concerning the proposed development are able to be suitably mitigated, in particular air and noise;
- The proximity to the regional road network provides accessibility and linkages to the broader metropolitan area and regional areas of NSW;
- The proposed development demonstrates the capability for continues employment-generating opportunities, during both the construction and operational phases;
- The proposed development would not adversely affect any area of heritage or archaeological significance; and,
- The proposed development could be developed with the appropriate visual amenity achieved given its surrounding context.

The proposed development is justified on the basis it is compatible with the locality in which it is proposed, resulting in economic benefits while managing and mitigating environmental impacts.

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

- *Environmental Protection and Biodiversity Conservation Act 2016*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1979*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No.33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Costal Management) 2018*

Local Planning Context

- *Lane Cove Local Environmental 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 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.

5.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

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

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove West

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.

5.4 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 proposal does not require an Environment Protection Licence.

5.5 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. Preliminary studies have been undertaken to assess the overall ecological context of the subject site; however, further studies would be undertaken and addressed within the EIS regarding potential impacts to flora and fauna species.

5.6 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Proposals involving activities that are listed in Schedule 1 of the SRD SEPP are identified as being SSD.

Part 12 of Schedule 1 states:

12 Warehouses or distribution centres

- (1) Development that has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*
- (2) This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies.*

The CIV of the entire project is in excess of \$50 Million, thus the SSD provisions apply.

5.7 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The referral thresholds for 'Industry' development are:

- *20,000m² or more in area with site access to any road; or*

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove West

- *5,000m² or more 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).*

Due to the site area, the proposed development warrants referral to the RMS.

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

To facilitate the operation of the 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.

5.9 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 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 investigations are currently underway with respect to contamination on the site. Should it be required a Phase 2 investigation will be submitted with the SSD Application.

5.10 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site lies within an area mapped as containing Coastal Wetlands and Proximity Areas for Coastal Wetlands (refer to **Figure 6**).

The proposal would 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 land mapped as wetland would remain undisturbed, however development would be carried out adjoining and adjacent. The extent of setbacks achieved would ensure that impacts associated with the development are suitably mitigated.

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove West

5.11 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

Table 1 outlines the LCLEP 2009 controls which apply to the site.

Table 1 Local Environmental Planning Framework Applying to the Site	
Requirement	Application to Site
Lane Cove Local Environmental Plan 2009 (LCLEP 2009)	
Land Use Table Zone	IN2 Light Industrial (refer Figure 3)
1. Zone Objectives	<ul style="list-style-type: none"> ▪ To provide a wide range of light industrial, warehouse and related land uses. ▪ To encourage employment opportunities and to support the viability of centres. ▪ To minimise any adverse effect of industry on other land uses. ▪ To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. ▪ To support and protect industrial land for industrial uses. ▪ To ensure that landscaping is a significant element in development viewed from the public domain and neighbouring properties. ▪ To recognise the close proximity of this zone to adjoining residential areas and seek to mitigate potential conflict between industrial and residential uses. <p>The proposed redevelopment of the site is consistent with these zone objectives.</p>
2. Permitted without Consent	<i>Nil.</i> Noted.
3. Permitted with Consent	<p><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; Places of public worship; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Self-storage units; Sex services premises; Signage; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres.</i></p> <p>The proposed redevelopment of the site is a permitted under LCLEP 2009.</p> <p>It is noted that a Data Centre is most suitably characterised as a warehouse or distribution centre as the proposed operation specifically entails the storage or distribution of data.</p>
4. Prohibited	<p><i>Any development not specified in item 2 or 3.</i></p> <p>The proposed redevelopment is specified in item 3. The proposed redevelopment of the site is therefore not prohibited at the site.</p>
Clause 4.1 - Minimum Subdivision Lot Size	The site is not subject to minimum lot size pursuant to LCLEP 2009.
Clause 4.3 - Height of Buildings	The site is subject to a maximum building height of 18m under Clause 4.3. A Clause 4.6 variation is proposed to be submitted as part of the SSD Application.
Clause 4.4 - Floor Space Ratio	The site is subject a FSR of 1:1 under Clause 4.4. The proposal does not seek to vary the FSR.

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West

Clause 5.10 – Heritage Conservation	<p>The site is not identified as containing any non-Aboriginal heritage items, however is located adjacent to local heritage items Cumberland Paper Mills and Chicago Mills.</p> <p>Aboriginal and historical heritage investigations are currently being undertaken which verify that the site is not affected in this respect.</p>
Clause 6.2 – Foreshore Building Line	<p>The site is not mapped as being part of the foreshore building line.</p>
Clause 6.3 – Riparian Land	<p>The site is partially mapped as containing Riparian Land (refer Figure 5). The proposal does not significantly affect the land mapped as riparian.</p>

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre
1 Sirius Road, Lane Cove West

PART F ENVIRONMENTAL ASSESSMENT

A screening analysis of the environmental issues applicable to the proposal is presented in **Table 2** below. This risk-based analysis has been used to identify the key environmental issues for further assessment, and assist the preparation of the SEARs for 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 environmental issues relevant to the proposal.

Table 2: Environmental Screening Analysis	
Issue	Analysis
Soil and water	<ul style="list-style-type: none">▪ During construction, an Erosion and Sediment Control Plan would be implemented to protect the downstream drainage system and receiving waters from sediment-laden runoff.▪ Earthworks would be designed to minimise the extent of cut and fill and allow the balance of soil to be re-used on-site. Top soil would be stockpiled for re-use within landscaped areas where possible.
Noise	<ul style="list-style-type: none">▪ The site is sufficiently separated from any sensitive receivers.▪ The SSD Application would consider operational impacts and the resultant acoustic impacts having regard to the Environment Protection Authority Industrial Noise Criteria.
Air Quality	<ul style="list-style-type: none">▪ Given the nature of the proposed development being for a Data Centre, air quality impacts would be considered accordingly.▪ During construction, air quality would be managed through appropriate dust mitigation measures.▪ An Air Quality Impact Assessment Report prepared by a suitably qualified expert would accompany the EIS.
Waste	<ul style="list-style-type: none">▪ Operational waste would be managed in accordance with a Plan of Management for the Site.▪ Waste generated throughout the construction phase would be disposed of in accordance with a Waste Management Plan, which makes provision for recyclables and suitable off-site disposal.
Traffic & Transport	<ul style="list-style-type: none">▪ Suitable provision is made to accommodate and service the development in terms of traffic and transport. On-site car parking is proposed to be retained as existing.
Other Infrastructure & Services	<ul style="list-style-type: none">▪ All essential infrastructure services would be augmented accordingly for the proposed development, including water, sewer, electricity and communications.
Visual Amenity / Urban Design	<ul style="list-style-type: none">▪ The built form would be designed to incorporate architectural elements that articulate the façades and provide a sufficient level of visual amenity within the public domain.
Hazards	<ul style="list-style-type: none">▪ As only diesel fuel is to be stored on site, the provisions under SEPP 33 do not apply.
Site Layout and Design	<ul style="list-style-type: none">▪ The site layout and design respond to the site constraints, thus providing a highly functional development which enhances the visual amenity of the locality.

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West

	<ul style="list-style-type: none">▪ Suitable provision is made for service vehicles within the Site. Detailed swept paths would be provided within the EIS and Traffic Impact Assessment.
Socio / Economic	<ul style="list-style-type: none">▪ The proposed development would positively impact on the social and economic conditions of the Lane Cove LGA. Construction jobs are expected to be in the order of 300, while operational jobs would exceed 200.

Request for Secretary's Environmental Assessment Requirements

Proposed Data Centre

1 Sirius Road, Lane Cove West

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 12 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 industrial related uses.

The proposed development is considered to align continue to support employment-generating opportunities within the wider Sydney 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 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 DP&E issue formal SEARs for the preparation of an EIS for the proposed development as SSD.

APPENDIX 1
Preliminary Site Plan