



Lane Cove West Data Centre

*State Significant
Development Assessment
(SSD-9741)*



November 2019

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Cover photo

Photomontage of the proposed development, as seen from the Clifford Love Bridge, Lane Cove North
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Glossary

Abbreviation	Definition
Applicant	Greenbox Architecture Pty Ltd
AV	Articulated vehicle
BPV	Bushfire Prone Vegetation
CBD	Central business district
City of Ryde	City of Ryde Council
CIV	Capital Investment Value
Consent	Development Consent
Council	Lane Cove Council
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
Development	Construction and 24-hour operation of a data centre with associated office, supporting infrastructure and services, car parking and landscaping
DP	Deposited Plan
DPI	Department of Primary Industries
EES	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
GFA	Gross floor area
Greenbox	Greenbox Architecture
ha	Hectares
IT	Information technology
kL	Kilolitres
km	Kilometres
kV	Kilovolts
L	Litres

Abbreviation	Definition
LEP	Local Environmental Plan
LGA	Local government area
m	Metres
Minister	Minister for Planning and Public Spaces
MNES	Matter of national environmental significance
NDP	North District Plan
PCT	Plant Community Type
PEA Act	<i>Protection of the Environment Administration Act 1991</i>
Planning Secretary	Planning Secretary of the Department of Planning, Industry and Environment
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PTU	Power Train Unit
RAP	Remedial Action Plan
Region Plan	Greater Sydney Region Plan
RFS	Rural Fire Service
RMS	Roads and Maritime Services
RTS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site	1 Sirius Road, Lane Cove West
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
EMP	Environmental Management Plan
LTEMP	Long Term Environmental Management Plan
VMP	Vegetation Management Plan
CNVMP	Construction Noise and Vibration Management Plan
NIA	Noise Impact Assessment
AHD	Australian Height Datum
BPA	Bushfire Protection Assessment
APZ	Asset Protection Zone
ACHA	Aboriginal Cultural Heritage Assessment
SoHI	Statement of Heritage Impact
LCT	Lane Cove Tunnel
MCC	Motorway Control Centre
CSMP	Construction and Site Management Plan
SWMMP	Site Waste Minimisation and Management Plan



Executive Summary

Introduction

This report details the Department of Planning, Industry and Environment's (the Department) assessment of a State significant development application (SSD-9741) for the construction and operation of the Lane Cove West Data Centre. Greenbox Architecture Pty Ltd (the Applicant) proposes to construct the data centre and associated offices at 1 Sirius Road, Lane Cove West in the Lane Cove local government area (LGA). The centre would be operated by an existing data centre operator (the client) who currently operates two data centres in Melbourne and western Sydney.

The site is located 8 kilometres (km) north-west of the Sydney central business district (CBD), 13 km west of the Parramatta CBD and 3.5 km west of Chatswood in an existing industrial area known as the Lane Cove West Business Park. The site has an area of approximately 3.9 hectares (ha). The nearest sensitive receivers reside in 'Arise Lane Cove', a residential apartment tower located approximately 175 metres (m) to the north of the site. The closest residential suburbs are East Ryde located approximately 430 m to the south-west across the Lane Cove River and Lane Cove West located approximately 440 m to the east.

Data Centres

Data centres are places which are used by organisations to store their electronic computer applications and data. This could include your personal data (such as your Facebook account or Instagram photos), corporate data (such as a business's payroll system) or sensitive government data (such as tax and Medicare records).

In recent years, there has been an increased need for new large and small-scale data centres across the state. As new technologies (such as driverless cars, faster mobile data networks and artificial intelligence) become commonplace, a significant number of large and small-scale data centres will be required to store the volume of electronic data accessed and created by Australians.

Proposed Development

The development application originally sought consent to construct and operate a data centre with a maximum building height of 24 m and a data hall footprint of 15,962 m².

During the exhibition period, a number of concerns were raised by Lane Cove Council (Council), the Department's Biodiversity and Conservation Division (formerly the Office of Environment and Heritage) and the local community in relation to the removal of native vegetation at the site.

Following further consultation with Council, the Applicant made the decision to amend the development's design in order to minimise the amount of native vegetation removed from the site. An amended application was subsequently lodged in accordance with clause 55 of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) for a data centre with a maximum building height of 30.3 m and a data hall footprint of 10,521 m². The amended design has reduced the area of native vegetation impacted by the development by approximately 26% (from 0.79 ha to 0.66 ha).

The proposed development (the development) would operate 24 hours a day, seven days a week, has a capital investment value (CIV) of \$196,852,378 and would generate approximately 320 construction jobs and up to 100 full-time equivalent operational jobs.

The primary purpose of the development is for the collection, storage, processing and distribution of electronic data in associated Information Technology (IT) hardware by cloud and content providers or government entities (the tenant/s).

The Applicant's client intends to lease space within the building's data halls to a single tenant, who will undertake the fit-out of this space with their own computer systems, server systems and networking equipment.

The entire data centre would be cooled using 60 air-cooled chillers located on the building's roof, and would be supported by a system of lithium-ion batteries (known as Power Train Units) and diesel back-up generators designed to maintain operations during a power outage event.

The development would assist the Applicant's client to satisfy market demand for flexible data storage space within the State, in close proximity to the regional road network, public transport and Sydney's existing IT precinct in Macquarie Park. The site is also located on a separate electricity transmission network to the client's existing facility in western Sydney, which would subsequently reduce the likelihood of a power outage event impacting its operations.

The development is classified as State significant development (SSD) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) because it involves the construction and operation of a data storage premises with a CIV greater than \$50 million, which meets the criteria in clause 25 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011. Consequently, the Minister for Planning and Public Spaces is the consent authority for the application.

Engagement

The Department exhibited the SSD and the original Environmental Impact Statement (EIS) for the development from Thursday 11 April 2019 until Monday 13 May 2019 (33 days). A total of twenty (20) submissions were received, including nine (9) from public authorities, two (2) from local councils, one (1) from Ausgrid, three (3) from special interest groups and five (5) from the public. Of the twenty (20) submissions received, seven (7) objected to the development.

Key issues raised by objectors related to the bulk and scale of the development, the removal of native vegetation from the site, potential impacts upon the adjacent coastal wetland, Stringybark Creek and the Lane Cove River, visual impacts and the level of cut/fill required to facilitate the development.

The Applicant's updated EIS, submitted in support of the amended application, included a response to all submissions received during the exhibition period. The updated EIS was provided to the relevant public authorities and Council to consider whether it adequately addressed the issues raised in relation to the original design, and made publicly available on the Department's website.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The key issues for the development relate to height and visual impacts and traffic and access. The Department's assessment notes that while the development would be visible from some locations within the surrounding area, the Applicant has incorporated appropriate architectural features and finishes, landscaping and setback distances to reduce the bulk and scale of the data centre. In addition, the Department is satisfied the local and regional road network can accommodate the predicted traffic volumes of the development during construction and operation.

The Department's assessment concludes the potential impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. In summary, the development would:

- deliver 320 construction jobs and up to 100 knowledge-intensive operational jobs within the Lane Cove West Business Park
- satisfy market demand through the provision of additional, flexible data storage capacity within the Eastern Economic Corridor
- be consistent with the objectives of the relevant strategic planning framework, including the Greater Sydney Region Plan and the North District Plan.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.



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1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department's) assessment of the State significant development (SSD) application for the Lane Cove West Data Centre (SSD-9741). The proposed development (the development) involves the construction and operation of a building primarily for the collection, storage, processing and distribution of electronic data, at Lane Cove West in the Lane Cove local government area (LGA) (see **Figure 1**). In response to concerns raised during the public exhibition period, the Applicant amended the SSD application to minimise the amount of native vegetation removed from the site, in accordance with clause 55 of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation).

The Department's assessment considers all documentation submitted by Greenbox Architecture Pty Ltd (the Applicant), including the updated Environmental Impact Statement (EIS) and Response to Submissions (RTS), as well as submissions received from public authorities, stakeholders and the general public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the Lane Cove West Data Centre has concluded the development is in the public interest and should be approved, subject to the recommended conditions of consent.



Figure 1 | Regional context

1.2 Development Background

The Applicant is seeking development consent to construct and operate a data centre, associated offices, amenities, supporting infrastructure and services, handstand areas (including carparking) and landscaping. The development would involve the storage of electronic data in associated information technology (IT) hardware, and would operate 24 hours a day, seven days a week.

Data centres are places which are used by organisations to store their electronic computer applications and data. This could include your personal data (such as your Facebook account or Instagram photos), corporate data (such as a business's payroll system) or sensitive government data (such as tax and Medicare records).

In recent years, there has been an increased need for new large and small-scale data centres across the state. As new technologies (such as driverless cars, faster mobile data networks and artificial intelligence) become commonplace, a significant number of large and small-scale data centres will be required to store the volume of electronic data accessed and created by Australians.

Greenbox Architecture Pty Ltd (Greenbox) is a Sydney-based architectural firm, specialising in the design and delivery of large-scale data centre projects throughout the Asia-Pacific region. Greenbox acts on behalf of an existing data centre operator (the client) which currently operates two data centres in Melbourne and western Sydney. The client provides data centre solutions to a variety of cloud and content providers.

The client has experienced significant growth over the past five years as businesses and government entities look to reduce costs by outsourcing their data storage needs. The new data centre would allow the client to more than double its storage capacity in the Sydney basin, while continuing to provide tailored storage solutions to its customers.

1.3 Site Description

The site comprises approximately 3.9 hectares (ha) of industrial zoned land located at 1 Sirius Road, Lane Cove West in the Lane Cove LGA (the site). The site is legally described as Lot 1 in Deposited Plan (DP) 1151370, and is located 8 kilometres (km) north-west of the Sydney central business district (CBD), 13 km east of the Parramatta CBD and 3.5 km west of Chatswood (see **Figure 1**).

Much of the site has been cleared of vegetation and comprises exotic grasses, weeds and sandstone outcrops. The site slopes down towards the north-west and western boundaries, directing surface water flows into Stringybark Creek and the Lane Cove River. Two patches of the Plant Community Type (PCT) 'Smooth-barked Apple - Red Bloodwood open forest' are situated in the north-eastern and southern sections of the site. An Ausgrid electricity transmission line is located in close proximity to the western boundary of the site (see **Figure 2**).

The soil and groundwater of the site is potentially contaminated from previous industrial uses and illegal soil dumping, with contaminants of concern including heavy metals, asbestos, hydrocarbons, and per- and poly-fluoroalkyl substances. The north-western corner of the site was also historically used for landfilling, and is the subject of a current 'Maintenance of Remediation Order' (Notice No. 28027, dated 27/09/2005) issued by the Environment Protection Authority (see **Figure 2**).

The site does not contain any items of heritage significance and is not located within a designated heritage conservation area. To the immediate north of the site are two local archaeological areas and heritage items, being the 'Chicago Mills' and the former 'Cumberland Paper Mill' site.

The majority of the site is bushfire prone and has been identified as Category 1 Bushfire Prone Vegetation (BPV), Category 2 BPV, or is located in a bushfire buffer area. Category 1 BPV generally reflects the area covered by existing native vegetation in the southern and north-eastern corners of the site, while Category 2 BPV is located in

the western and central areas of the site. The remainder of the site forms part of the bushfire buffer area, which extends onto adjoining land to the north and east.



Figure 2 | Site and immediate surrounds

1.4 Surrounding Land Uses

The site is located in an established industrial precinct known as the Lane Cove West Business Park. Industrial and commercial buildings, such as Harley-Davidson Australia and New Zealand (1A Sirius Road) and the Lane Cove Tunnel (LCT) Motorway Control Centre (MCC) (5 Sirius Road), are located to the immediate east of the site (see **Figure 2**).

The southern and western boundaries of the site adjoin a large area of native vegetation, through which runs the 'Blackman Park to Epping Road' bushwalking track and a north-south electricity transmission line operated by Ausgrid. The transmission line connects directly to Ausgrid's 132 kilovolt (kV) sub-transmission switching station to the south of the site (see **Figure 3**).

Beyond the transmission easement to the west is the Lane Cove River and a section of Lane Cove National Park. Stringybark Creek, a second order stream, is located to the immediate north of the site and flows directly into the Lane Cove River. Beyond the creek to the north is a large area of native vegetation and the former 'Cumberland Paper Mill' site (now occupied by S. C. Johnson & Son).

The nearest sensitive receivers are in 'Arise Lane Cove', a residential apartment tower located approximately 175 metres (m) to the north of the site (see **Figure 3**). The closest residential suburbs are East Ryde to the west, Lane Cove West to the east, Lane Cove North to the north-east and North Ryde to the north-west.

Access to the site is via a private driveway off Sirius Road, which is a local road managed by Lane Cove Council (Council). Bus stops are located within a 175 m walking distance south of the site on Sirius Road, and are directly serviced by the 258 and 285 routes. The 258 route runs between Lane Cove West and Chatswood Railway Station, while the 285 route runs between Lane Cove West and Wynyard Railway Station. Both routes run on weekdays during the morning and afternoon peak.

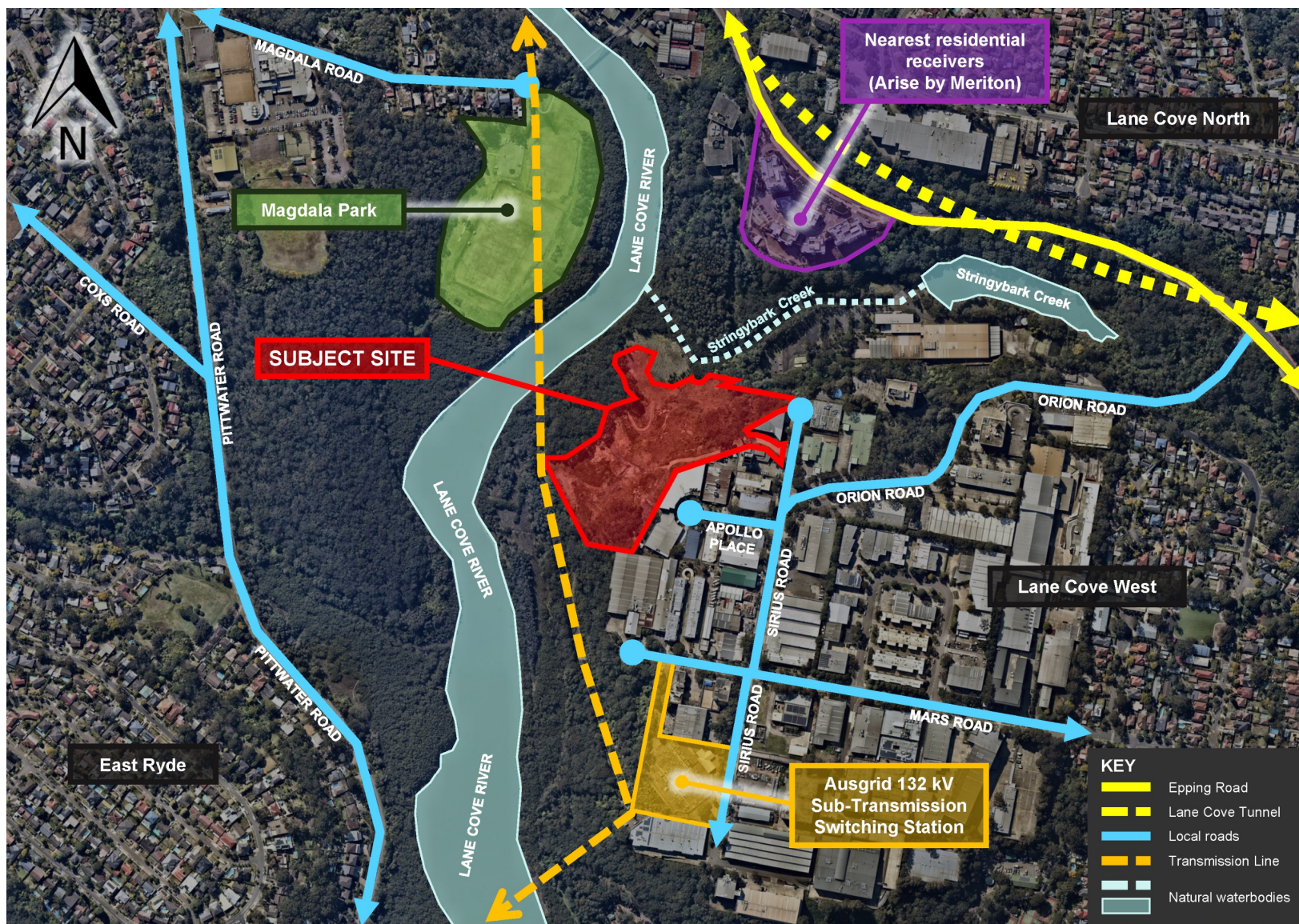


Figure 3 | Local context



2 Project

2.1 Original Project

The development application originally sought consent to construct and operate a data centre with a maximum building height of 24 m and a data hall footprint of 15,962 m².

During the exhibition period (see **Section 5**) a number of concerns were raised by Lane Cove Council (Council), the Department's Biodiversity and Conservation Division (formerly the Office of Environment and Heritage) and the local community in relation to the removal of native vegetation at the site.

Following further consultation with Council, the Applicant made the decision to amend the development's design in order to minimise the amount of native vegetation removed from the site. An amended application was subsequently lodged in accordance with clause 55 of the EP&A Regulation to facilitate the construction and operation of a data centre with a maximum building height of 30.3 m and a data hall footprint of 10,521 m². The amended design has reduced the area of native vegetation impacted by the development by approximately 26% (from 0.79 ha to 0.66 ha).

Several other minor changes were also made to the design of the development, including:

- amendment of the preferred remediation strategy (from on-site containment and encapsulation to institutional controls)
- an increase in the size of the eastern and western building setbacks
- an increase in the number of building storeys (from five storeys to six storeys)
- relocation of the back-up generators and associated diesel fuel storage to three external platforms
- relocation of the on-site substation to below the suspended roadway deck
- modifications to fire trails and access roads.

The Department considered the application to be consistent with the requirements of clause 55 of the EP&A Regulation and formally accepted its lodgement on 13 September 2019.

2.2 Amended Application

The assessment undertaken herein is based on the amended application, which seeks approval for the construction and operation of a data centre and associated office with a maximum building height of 30.3 m.

The main components of the development are summarised in **Table 1**, shown in **Figure 4** to **Figure 8**, and described in full in the updated EIS included in **Appendix A**.

Table 1 | Main components of the development

Aspect	Description
Development summary	Construction and 24-hour operation of a data centre with associated office, supporting infrastructure and services, car parking and landscaping.
Site area	3.59 ha

Aspect	Description
Gross floor area (GFA)	The data centre would have a total GFA of 32,429 m² across four levels, comprising: • Level 2 (8,039 m²) • Level 3 (8,039 m²) • Level 4 (8,312 m²) • Level 5 (8,039 m²). Level 1 of the data centre building would contain plant rooms and mechanical service areas, which are excluded during the calculation of a building's total GFA.
Building height	30.3 m
Vegetation clearing	Removal of 0.66 ha of native vegetation (Smooth-barked Apple - Red Bloodwood open forest, PCT 1776), comprising: • 0.38 ha to accommodate the data centre building and associated infrastructure • 0.28 ha to be managed within Asset Protection Zones (APZs).
Earthworks, civil works and services extension	The development would require: • 93,900 m³ of cut • 24,800 m³ of fill.
Staged construction	Construction of the development would be undertaken across three stages (see Figure 6), and include: • Stage 1 – Bulk earthworks across the site and construction of the suspended driveway, the southern and western generator platforms and Building A • Stage 2 – Construction of Building B • Stage 3 – Construction of the northern generator platform and Building C.
Ancillary infrastructure	The operation of the data centre (including during a power outage event) would be supported by: • an on-site 132 kV substation • 32 electrical transformers, located on the roof of the data centre • 60 air-cooled chillers, located on the roof of the data centre • 72 Power Train Units (PTUs), located in the basement of the data centre • 80 diesel back-up generators • diesel fuel storage for up to 2,259,200 litres (L).
Parking and maneuverability	The development would be accessed off Sirius Road, and provide: • 67 on-site parking spaces, including two disabled spaces • five bicycle parking spaces

Aspect	Description
	• five motorcycle spaces • one minibus bay. The development would also provide maneuverability for a 19 m articulated vehicle (AV), which would be able to access all six diesel filling points across the site.
Landscaping	Landscaping of approximately 1.4 ha or 36% of the total site area with native trees, shrubs and groundcover species. This would include: • revegetation works within existing areas of native vegetation • restoration works within the north-western contaminated area.
Contamination	Contaminated land in the north-western corner of the site would be managed through institutional controls designed to prevent future contact with, or disturbance of, the contaminated material (see Section 6.3).
Stormwater	The stormwater management system has been designed to remove pollutants and detrimental nutrients, while maintaining ground and surface water flows to surrounding bushland and wetland areas. The system would comprise: • a piped stormwater drainage system and associated filtration devices • a 110 kilolitre (kL) rainwater tank • an infiltration trench system, with a total length of 240 m.
Signage	Subject to separate approval
Hours of operation	24 hours per day, seven days a week
Employment	320 construction jobs and 100 operational jobs
Capital investment value (CIV)	\$196,852,378

2.3 Physical Layout and Design

The physical layout and design of the development is shown in **Figure 4** to **Figure 5**. The data centre presents as a five-storey warehouse building, surrounded on three sides by multi-storey generator platforms.

Level 1 of the data centre comprises plant rooms and mechanical service areas, which support the operation of the development during a power outage event. A 132 kV substation is also located on Level 1 of the data centre, below the vehicle access ramp which wraps around the southern and western facades of the building. Twenty-four data halls would be provided across the building's remaining four levels, while a shared office space for on-site technicians would be located on Level 4, adjacent to the suspended driveway and parking area (see **Figure 4**).

The colours, materials and finishes proposed to be used in the development's façade have drawn their inspiration from the bushland areas surrounding the site. A variety of grey and green paints would be used to break up the façade and allow it to blend into the surrounding area (see **Figure 5**).

All vehicles accessing the site would enter and exit via a two-way driveway off Sirius Road, located in the north-eastern corner of the site. Light vehicles would primarily park in the carpark located in the south-eastern corner of the site. Heavy and emergency vehicles (including fire engines) would circulate the site, around the data centre building, to access the development's:

- two loading docks
- six diesel filling points
- southern and western fire trails.

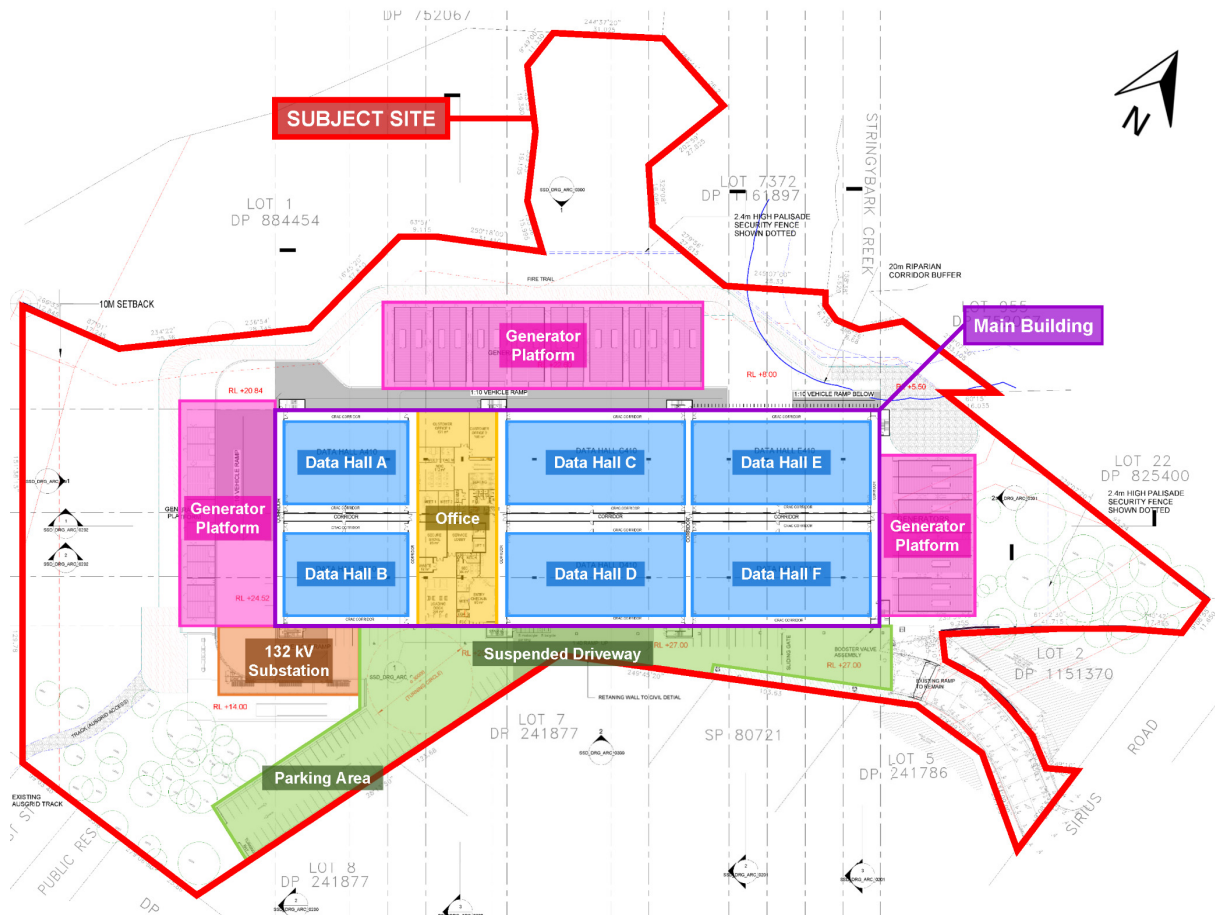


Figure 4 | Project layout (Level 4)

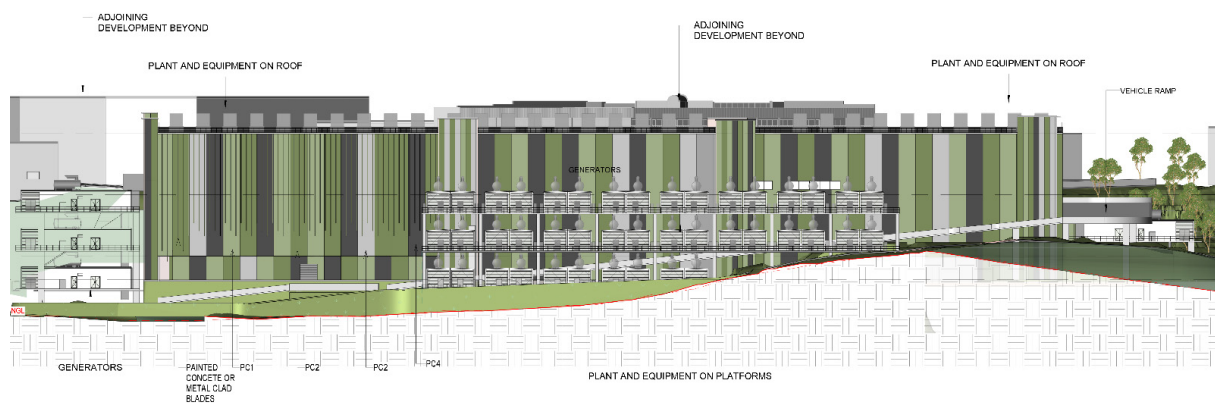


Figure 5 | Northern elevation

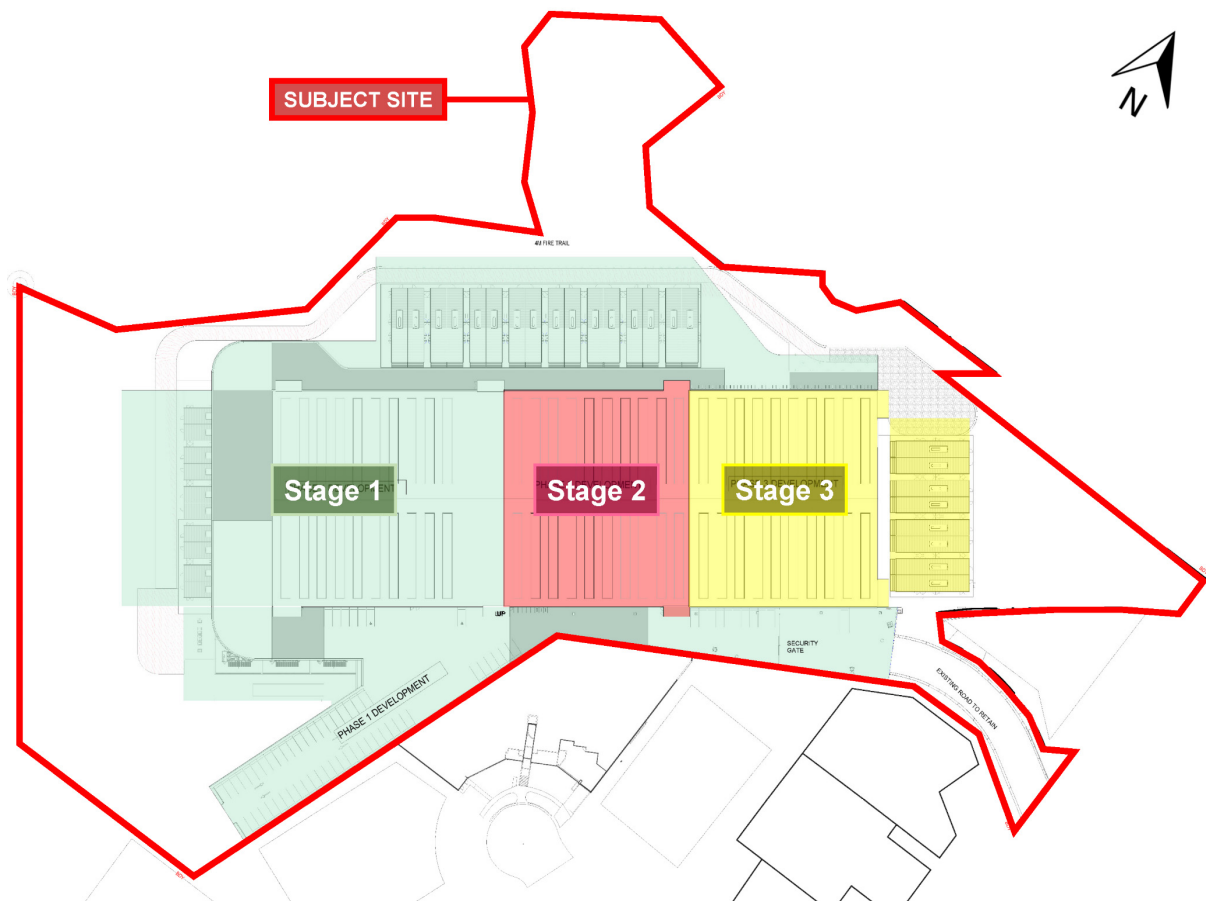


Figure 6 | Development staging

2.4 Process Description

The primary purpose of the development is for the collection, storage, processing and distribution of electronic data in associated IT hardware by cloud and content providers or government entities (the tenant/s).

The Applicant's client intends to lease space within the building's data halls to a single tenant, who will undertake the fit-out of this space with their own computer systems, server systems and networking equipment. This IT hardware would be stored in racks designed to maximise the efficiency of the space (see **Figure 7**).

The entire data centre would be cooled using 60 air-cooled chillers located on the building's roof. The cooling system has been designed to maintain temperatures between 24 °C and 26 °C throughout the year. The on-site office would be used by technicians employed by both the client and the final tenant, who would provide IT support to external users and undertake regular maintenance as necessary.

Data centres also require sophisticated energy back-up systems to ensure that tenants are always able to access their data. To this end, the development includes a system of PTUs and diesel back-up generators designed to minimise downtime during a power outage event.

In the event of a power outage, 72 PTUs located in the basement of the data centre would maintain power to the data halls. Each PTU contains 17 lithium-ion batteries, transformers and control gear, which provides an uninterrupted power supply for approximately 60 seconds while the back-up generator system reaches full load.

Once they have reached full load, 80 diesel back-up generators would be used to provide continuous power to the development until power has been restored by Ausgrid (see **Figure 8**). The Applicant's client would ensure the back-up generators are not used to generate electricity for more than 200 hours each year.

In order to ensure the development can function during a power outage event, the Applicant's client would also undertake regular load testing of each back-up generator. During testing, an artificial load would be applied to each generator using an electrical switching device, for a period of up to one hour. The client would ensure testing is undertaken during the daytime period (i.e. from 8:00 AM to 6:00 PM), with one generator tested at a time.



Figure 7 | Indicative photo of a typical data hall prior to fit-out with servers

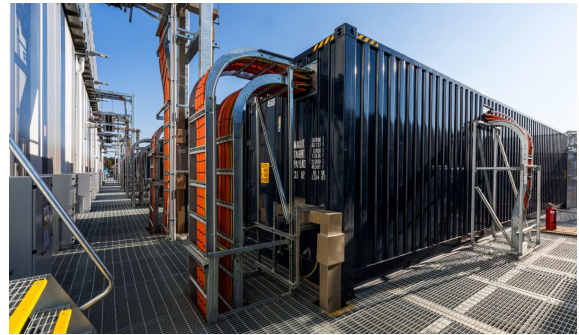


Figure 8 | Indicative photo of a back-up generator (enclosed within a shipping container)

2.5 Applicant's Need and Justification for the Development

The Applicant has justified the need for the development by highlighting the need for the client to source industrial land within the Eastern Economic Corridor that is in close proximity to a high voltage electricity transmission network. The site is located on a separate electricity transmission network to the client's existing facility in western Sydney, which would subsequently reduce the likelihood of a power outage event impacting upon its operations.

The Applicant has also indicated the location of the development would provide significant benefits to the client and its future tenant through its proximity to the regional road network, public transport and Sydney's existing IT precinct in Macquarie Park. The Applicant considers the proposed use is consistent with the site's light industrial zoning and the Lane Cove West Business Park's strategic direction.

Additional benefits identified by the Applicant include:

- satisfying market demand through the provision of additional, flexible data storage capacity within the State
- generating additional employment opportunities in the Eastern Economic Corridor, comprising approximately 320 construction jobs and up to 100 knowledge-intensive operational jobs
- transforming an underutilised site and providing a design that is sympathetic to the surrounding area.



3 Strategic Context

3.1 Greater Sydney Region Plan

The vision of the Greater Sydney Region Plan 2018, *A Metropolis of Three Cities* (the Region Plan) falls within the integrated planning framework for Sydney (see **Figure 9**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney’s liveability, productivity and sustainability by spreading the benefits of growth.

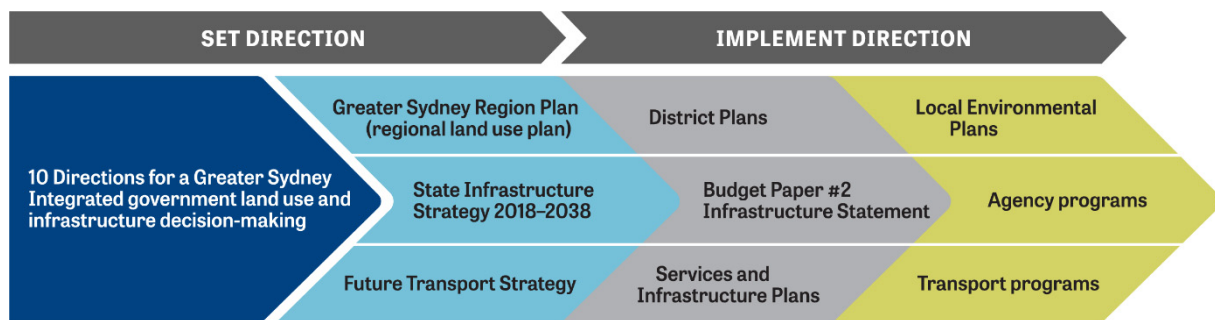


Figure 9 | Integrated planning for Greater Sydney

Objective 3 of the Region Plan notes that the city’s infrastructure needs to be designed to adapt and transition in conjunction with future technological changes and megatrends, such as autonomous vehicles, faster internet connections and artificial intelligence. By providing additional, flexible data storage capacity within the Eastern Economic Corridor, the development will support this objective of the Region Plan.

Objective 23 outlines that industrial and urban services land (which includes industrial zoned land) is to be planned, retained and managed. Strategy 23.1 also recognises the need for certain office uses to be co-located with industrial uses to provide job opportunities closer to residents. By providing new jobs closer to where people live and industrial development on industrial zoned land, the development will support this objective and its associated strategies.

3.2 North District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney, which will guide the delivery of the Region Plan. The subject site is located in the North District, which forms a large part of the Eastern Harbour City. The North District Plan (the NDP) is a 20-year plan to manage economic, social and environmental matters in northern Sydney. It is a guide for implementing the Region Plan at a district level and is a bridge between regional and local planning.

The development would assist in meeting actions 36 to 39 of the NDP as it would provide new construction and knowledge-intensive jobs close to areas of high population growth, and further supports Sydney’s status as a global city. The development would also assist in meeting actions 46 to 49 of the NDP as it would retain and manage industrial and urban services land in the Lane Cove West Precinct which is recognised to have capacity for industrial and urban service uses.

The Department has considered the strategic context of the site and is satisfied the development is consistent with the intent of the relevant strategic planning documents.



4 Statutory Context

4.1 State Significant Development

The proposal is State significant development pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction and operation of a data storage premises with a CIV greater than \$50 million, which meets the criteria in clause 25 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Permissibility

The site is zoned IN2 – Light Industrial under the Lane Cove Local Environmental Plan (LEP) 2009. Under clause 27 of State Environmental Planning Policy (Infrastructure) 2007, development for the purpose of a data storage premises may be carried out by any person with consent on land in an IN2 zone.

4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 11 October 2017, the Minister delegated the functions to determine SSD applications to the Executive Director, Compliance, Industry and Key Sites where:

- the relevant local council has not made an objection and
- there are less than 25 public submissions in the nature of objections and
- a political disclosure statement has not been made.

Of the 20 submissions received, seven objected to the development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Compliance, Industry and Key Sites under delegation.

4.4 Amended Development Application

Under clause 55 of the EP&A Regulation, a development application may be varied by the Applicant at any time prior to determination, but only with the agreement of the consent authority.

On 10 September 2019, the Applicant requested to amend its development application to increase the height of the proposed data centre, and subsequently reduce the building's footprint. The amendments were proposed to address concerns raised during the public exhibition period in relation to the removal of on-site native vegetation.

On 13 September 2019, the Department formally accepted submission of the amended development application in accordance with clause 55 of the EP&A Regulation.

4.5 Other Approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

The development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act) (see **Section 6.3**). Therefore, an Environment Protection Licence (EPL) is not required.

The Department has considered the advice of the relevant public authorities in its assessment of the development and included suitable conditions in the recommended consent.

4.6 Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out below, in **Section 6** and **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

4.7 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

The Department has considered the development against the relevant provisions of several key EPIs, including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- draft State Environmental Planning Policy (Environment) (draft Environment SEPP)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- Lane Cove LEP 2009.

Development Control Plans (DCPs) do not apply to SSD under clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Lane Cove DCP 2010 in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

4.8 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from **Thursday 11 April 2019** until **Monday 13 May 2019** (33 days). Details of the exhibition process and notifications are provided in **Section 5** below.

4.9 Objects of the EP&A Act

In determining the application, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in clause 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

Table 2 | Considerations against the EP&A Act

Object	Consideration
1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would: • ensure the proper management and development of suitably zoned land for the economic welfare of the LGA and the State • promote social and economic welfare in the community through the provision of an additional 320 construction jobs and up to 100 operational jobs in the area • promote a better environment through the removal of invasive exotic species and restoration works in existing areas of native vegetation.
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ESD, including by retaining approximately 27% of existing native vegetation on site, landscaping and revegetation works, providing up to 100 operational jobs and implementing measures to minimise traffic impacts through a Sustainable Travel and Access Plan and Transport Access Guide.
1.3 (c) to promote the orderly and economic use and development of land,	The development would meet the objectives of the zone by supporting and protecting existing industrial land. The data centre would also provide economic benefit through job creation and infrastructure investment.
1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	While there will be some loss of native vegetation at the site (see Section 4.10), the Applicant's has sought to minimise potential impacts to the environment through amendments to the footprint of the data centre building, the removal of invasive exotic species at the site and the revegetation and restoration of remaining areas of native vegetation.
1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development is not anticipated to result in any significant impacts upon built and cultural heritage, including Aboriginal cultural heritage (refer to Section 6.3).
1.3 (g) to promote good design and amenity of the built environment,	The Department considers the development would provide good design and amenity of the built environment suitable for an industrial zone.
1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the development and has recommended a number of conditions of consent to ensure construction and maintenance of the data centre is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to Appendix B).
1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the application as outlined in Section 5.3 , which included consultation with Council, City of Ryde Council and other relevant public authorities and subsequent consideration of their responses.
1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in Section 5.3 , which included notifying adjoining landowners, placing a notice in two local papers, and displaying the SSD application on the Department's website and at all Service NSW Centres, the Department's Sydney office, Council's offices and City of Ryde Council's offices.

4.10 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991* (the PEA Act). Section 6(2) of the PEA Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

While up to 0.66 ha of native vegetation would be removed and/or disturbed to accommodate the data centre and its associated infrastructure, the development would:

- remove invasive exotic species (such as Camphor Laurels and Large-leaved Privets) from the site
- improve the quality of existing on-site native vegetation through revegetation works
- improve vegetation connectivity across the site through restoration works in the contaminated area
- offset the removal/disturbance of native vegetation through the purchase and retiring of ecosystem credits in accordance with the Biodiversity Offsets Scheme.

As such, the Department considers the development is consistent with the objectives of the EP&A Act and the principles of ESD (see **Section 6.3**).

4.11 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.



5 Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the original EIS, the notification of the updated EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.2 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the original EIS, including:

- meeting with Lane Cove Council officers
- a letterbox drop of properties located within a 750 m radius of the site
- email correspondence to relevant public authorities.

5.3 Department's Engagement

The Department consulted with relevant public authorities during the preparation of the SEARs.

After accepting the SSD application and EIS, the Department:

- made it publicly available from **Thursday 11 April 2019** until **Monday 13 May 2019** (33 days):
 - o on the Department's website
 - o at the Department's Sydney office (Pitt Street, Sydney)
 - o at all Service NSW Centres
 - o at Lane Cove Council (Council) (Longueville Road, Lane Cove)
 - o at City of Ryde Council (City of Ryde) (Pope Street, Ryde),
- notified landowners/occupiers in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant public authorities, electricity providers, Council and City of Ryde by letter
- advertised the exhibition period in the North Shore Times and the Northern District Times.

A total of 20 submissions were received on the development during the exhibition period, including:

- 9 from public authorities
- two from local councils
- one from the relevant electricity provider (Ausgrid)
- three from special interest groups
- five from the public.

Of the 20 submissions received, seven objected to the development and 13 provided comments. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix A**.

5.4 Key Issues – Public Authorities and Councils

During the exhibition period, the Department received 11 submissions from public authorities and councils. None of the public authorities have objected to the development, and the key issues raised in their submissions have

been addressed through the Applicant's updated EIS, or through the recommended conditions of consent. The submissions received are summarised as follows:

Council advised it was supportive of the site's use as a data centre, but raised concerns in relation to the removal of native vegetation and the existing tree canopy at the site, potential impacts upon adjacent environmentally sensitive areas (including the coastal wetland, Stringybark Creek and the Lane Cove River), the volume of cut/fill required to accommodate the development and the development's exceedance of the existing height limit.

Council subsequently recommended the Applicant:

- Explore alternative design solutions to reduce the footprint of the data centre
- explore alternative design solutions to lower the height of the building
- incorporate landscaped batters instead of retaining walls
- screen rooftop condensers to soften their visual impact
- relocate the northern plant platform to soften the development's visual impact
- increase number of vehicle spaces to comply with the requirements of the Lane Cove DCP 2010.

The **Environment, Energy and Science Group** (EES) (formerly the Office of Environment and Heritage) requested additional information from the Applicant in relation to the development's Biodiversity Development Assessment Report (BDAR), potential impacts upon adjacent environmentally sensitive areas (including the coastal wetland, Stringybark Creek and the Lane Cove River), the location of APZs and the effect of the development on flood behaviour in the surrounding area. The EES did not provide comments on Aboriginal cultural heritage matters.

The EES subsequently recommended the footprint of the development be modified to avoid/minimise the clearing of native vegetation at the site, and the inclusion of additional management and mitigation measures to minimise potential impacts to biodiversity during construction.

The **Roads and Maritime Services** (RMS) noted the Lane Cove Tunnel's (LCT) western ventilation shaft runs under the north-eastern corner of the property, and the site adjoins the LCT's Motorway Control Centre (MCC) (see **Figure 2**). The RMS subsequently requested additional information regarding the potential impacts of the development upon the ventilation shaft and the MCC, particularly in relation to construction works and landscaping.

Fire and Rescue NSW (FRNSW) noted data centres pose a unique challenge to firefighters when responding to and managing an incident. FRNSW requested further information regarding the storage of diesel at the site, including the proximity of fuel tanks to other flammable liquid stores, and recommended the Applicant consult separately with the authority prior to the commencement of construction.

The **Rural Fire Service** (RFS) noted the site is constrained by existing areas of native vegetation, and would be considered high-risk development under *Planning for Bushfire Protection 2006*. The RFS subsequently recommended a number of conditions to ensure compliance with the relevant Australian Standards and *Planning for Bushfire Protection 2006*.

The **Environment Protection Authority** (EPA) recommended an appropriately accredited Site Auditor confirm the appropriateness of the development's Remedial Action Plan (RAP) and, following the completion of the remediation works, the suitability of the site for its use as a data centre.

The **Department of Primary Industries** (DPI) requested the Applicant undertake additional investigations into groundwater levels across the site, and regular monitoring of turbidity plumes, groundwater and surface water throughout the construction of the development.

Sydney Water noted the development would require a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. Sydney Water also advised that the final building plans would need to be submitted prior to the commencement of construction, in order to ensure the development does not impact upon the authority's existing sewer mains, stormwater drains and/or associated easements.

Transport for NSW (TfNSW) requested the Applicant prepare and implement a Transport Access Guide (TAG) and Sustainable Travel and Access Plan (STAP) for the development, in accordance with the relevant provisions of the Lane Cove DCP 2010.

City of Ryde advised it has no specific comments in relation to the development.

5.5 Key Issues – Electricity Providers

During the exhibition period, the Department consulted directly with Ausgrid as the relevant electricity provider. Ausgrid noted the development did not provide the electricity provider with access to the existing electricity transmission easement to the west of the site.

Ausgrid subsequently recommended the Applicant:

- consult directly with the electricity provider to establish a right of way for access to the electricity transmission easement
- undertake an earthing assessment for any boundary fencing which would traverse the electricity transmission easement.

5.6 Key Issues – Special Interest Groups

During the exhibition period, the Department received three submissions from special interest groups, all of which objected to the development. The key issues raised in their submissions have been addressed through the Applicant's updated EIS, or through the recommended conditions of consent. The submissions received from the special interest groups are summarised as follows:

The **Lane Cove Bushland & Conservation Society** (LCBCS) advised it was supportive of the site's use as a data centre but objected to the size and scale of the development. The LCBCS also raised concerns in relation to the removal of native vegetation from the site, the level of cut/fill required to facilitate the development and the suitability of the stormwater management system.

The organisation subsequently requested the Applicant reduce the size of the data centre building, relocate the on-site substation, redesign the stormwater management system to provide water to the adjacent coastal wetland, provide additional landscaping and reduce the size of hardstand areas.

The **Ryde Community Alliance** (RCA) raised concerns regarding the development's compliance with SEPP 19 and SREP 2005, the bulk and scale of the data centre building, and the potential impacts of the development upon the Lane Cove River, the Lane Cove National Park and the adjacent bushland area.

The RCA also requested the site be decontaminated prior to the determination of the development application.

The **Stringybark Creek Residents' Association Inc** (SCRA) objected to the size and scale of the development, and raised concerns in relation to the removal of native vegetation from the site, the impact of APZs upon landscaped areas, the level of cut/fill required to facilitate the development, the suitability of the stormwater management system and the proposed connection to the electricity transmission network.

The SCRA subsequently requested the Applicant reduce the size of the data centre building, redesign the stormwater management system to provide water to the adjacent coastal wetland, and undertake the collection and use of rainwater for the irrigation of on-site landscaping.

5.7 Key Issues – General Public

During the exhibition period, the Department received five submissions from the general public, four of which objected to the development.

Key issues raised by the public related to the bulk and scale of the development, the removal of native vegetation from the site, potential impacts upon the adjacent coastal wetland, Stringybark Creek and the Lane Cove River, visual impacts and the level of cut/fill required to facilitate the development. Other issues raised related to the classification of the development under the Lane Cove LEP 2009, non-Aboriginal cultural heritage, on-site contamination and the provision of additional landscaping.

5.8 Amended Application and Updated EIS

Following further consultation with Council, the Applicant made the decision to amend the development's design in order to minimise the amount of native vegetation removed from the site. The Applicant requested the SSD application be amended in accordance with clause 55 of the EP&A Regulation. The amended application comprises the construction and operation of a data centre with a maximum building height of 30.3 m and a data hall footprint of 10,521 m², as described in detail in **Section 2**. The amended application also included a response to all submissions received during the exhibition period.

The amended application was provided to Council, the relevant public authorities and Ausgrid to consider whether it adequately addressed the key issues raised during the exhibition period. The amended application, including the updated EIS, was also made publicly available on the Department's website. The responses received from the relevant public authorities are summarised as follows:

- **Council** noted a number of environmental concerns raised in its original submission had been addressed by the amended application, including those relating to the removal of native vegetation from the site, the provision of porous surfaces, the height of the data centre building and the visual impacts of the development. Council also advised it was supportive of the proposed parking arrangements, subject to the Applicant providing a minimum of 15 bicycle parking spaces.
- The **EES** reiterated its concerns in relation to the removal of native vegetation from the site, the Applicant's management and mitigation measures and the effect of the development on flood behaviour in the surrounding area. The EES also sought clarification regarding the number of trees to be removed from the site and the proposed retention of invasive exotic species.
- The **RMS** reiterated its concerns in relation to the potential impacts of the development upon the LCT ventilation shaft and the Motorway Control Centre, and requested the Applicant take additional boreholes to establish the geotechnical profile of the area, prior to the determination of the SSD application.
- **FRNSW** noted the amended application included a significant increase in the total volume of diesel fuel stored on-site (from 510,000 L to 3,336,000 L) and provided additional information regarding the lithium-ion batteries to be installed as part of the PTUs. FRNSW subsequently raised concerns regarding the suitability of the proposed hydrant system, and requested the Applicant consult with it directly regarding the fire and life safety system requirements for the development.
- The **RFS** requested the Applicant investigate additional bushfire protection measures to support the location and suitability of the diesel fuel storage tanks, and provide further information regarding safe access routes around the data centre building during a bushfire event.
- The **EPA** noted it was unclear whether the development would require an EPL for the storage of diesel or the use of the on-site generators, and recommended the Department ensure the potential noise and air quality impacts of the development are appropriately addressed prior to the determination of the SSD application.
- **DPI** advised it had no further comments.

- **Sydney Water** advised it had no further comments.
- **TfNSW** advised it had no further comments.

Consequently, the Department requested the Applicant provide an Addendum Response to Submissions (RTS), addressing the issues raised by the relevant public authorities. In addition, the Department also requested further clarification in relation to the:

- capacity, design and location of the diesel fuel storage tanks
- design and location of the PTUs
- fire safety systems associated with the PTUs and the diesel fuel storage tanks.

5.9 Addendum Response to Submissions

On 17 October 2019, the Applicant provided an Addendum RTS responding to the outstanding issues raised by the Department and the relevant public authorities (see **Appendix B**).

The Addendum RTS provided additional details regarding the design of the PTUs and the diesel fuel storage system and noted the diesel fuel storage capacity of the site would not exceed 2,000 tonnes at any one time.

Several specialist studies were also undertaken to address concerns raised by the public authorities, including:

- an additional flood review, which considers post-development flood behaviour and emergency management procedures during a flood event
- an additional biodiversity review, providing additional clarification regarding the number of trees to be removed from the site and the measures which would be put in place to mitigate biodiversity impacts during construction.
- an additional bushfire review, providing an assessment of the potential bushfire risk posed to the diesel fuel storage tanks and the elevated roadway.

During the preparation of the Addendum RTS, the Applicant consulted directly with FRNSW and the RMS to ensure their outstanding comments were fully addressed. FRNSW subsequently advised it has no further comments, subject to the Applicant preparing a Fire Safety Study for the development prior to the commencement of construction. The RMS also advised it had no further comments in relation to the development, subject to the Applicant undertaking additional boreholes in the vicinity of LCT assets prior to construction.

Following its review of the Addendum RTS, the RFS advised it had no further comments in relation to the development, and recommended conditions to ensure compliance with Australian Standards and *Planning for Bushfire Protection 2006*, the ongoing management of APZs and the preparation of a Bush Fire Emergency Management and Evacuation Plan.



6 Assessment

The Department has considered the updated EIS and RTS, the issues raised in submissions and the Applicant's Addendum RTS in its assessment of the development. The Department considers the key issues associated with the development are:

- height and visual impacts
- traffic and access arrangements.

Each of these issues is discussed in the following sections of this report. A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 4** under **Section 6.3**.

6.1 Height and Visual Impacts

As outlined in **Section 2** of this report, the amended application seeks approval for the construction and operation of a data centre with a building footprint of approximately 10,521 m², the majority of which would exceed the 18 m height limit applicable to the site under the Lane Cove LEP 2009 (see **Figure 10** and **Figure 11**). The development would subsequently require a variation to the height control identified in clause 4.3 of the LEP, and has the potential to result in associated visual impacts at surrounding sensitive receivers.

The Department's assessment of the development's height and associated visual impacts is provided in **Sections 6.1.1** and **6.1.2** below.

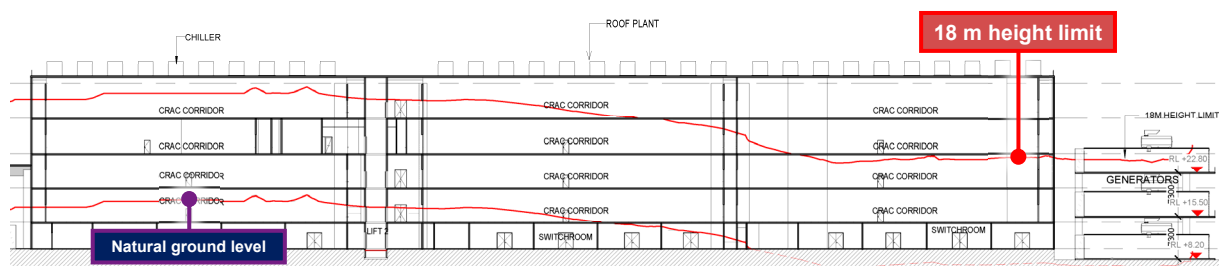


Figure 10 | Extent of non-compliance – Long Section looking east

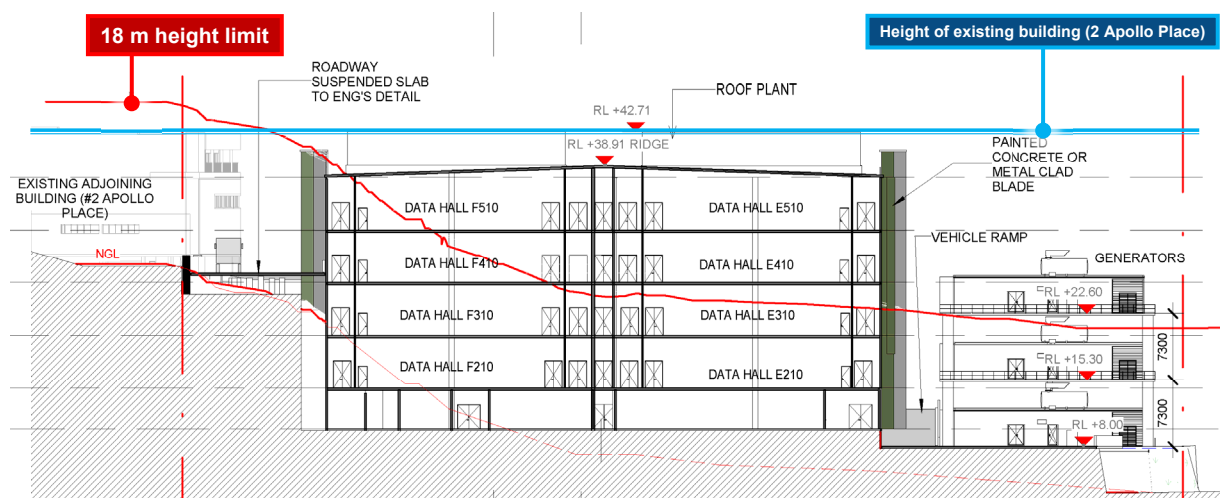


Figure 11 | Extent of non-compliance – Short Section looking south

6.1.1 Variation to the Height Control

The Lane Cove LEP 2009 specifies a height limit of 18 m for the Lane Cove West Business Park. The amended application seeks consent to construct a data centre with a maximum height of 30.3 m.

The Applicant submitted a written request to vary the height limit applicable to the site pursuant to clause 4.6 of the LEP. The Applicant advised the proposed variation to the height limit is appropriate on the basis that:

- A height-compliant data centre would require a significantly larger development footprint, and the subsequent removal of virtually all native vegetation from the site
- the extend of the height exceedance varies significantly as a result of the steep topography of the site (from 3.8 m to 12.3 m)
- the design of the development would provide an appropriate transition between the Lane Cove Business Park and adjacent areas of vegetation
- existing vegetation to the north, west and south of the site, along with additional on-site architectural and landscaping treatments, would screen the development from potential visual receivers
- the data centre building would be set back:
 - o approximately 80 m from the 'Blackman Park to Epping Road' bushwalking track
 - o approximately 175 m from the 'Arise Lane Cove' residential tower, to the north of the site
- the height of the data centre would result in minimal overshadowing impacts upon adjoining industrial buildings and the adjacent 'Blackman Park to Epping Road' bushwalking track.

The Department has considered the Applicant's clause 4.6 request and is satisfied the proposed building height would be in the public interest, on the basis that:

- the proposed variation satisfies the objectives of the IN2 – Light Industrial zone as the development would:
 - o assist in providing a wide range of light industrial, warehouse and related land uses through the provision of new, flexible data storage capacity within the Sydney region
 - o provide additional knowledge-intensive job opportunities within the Lane Cove West Business Park
 - o minimise potential conflicts with surrounding residential receivers through its location in an established industrial precinct
- the reduced building design has resulted in a considered and environmentally sensitive design which minimises impacts upon on-site native vegetation and EECs in the surrounding area
- the height of the data centre would not exceed the height of other buildings located on the ridgeline to the east of the site, including the LCT MCC (5 Sirius Road) and other adjoining commercial developments
- the proposed architectural and landscape treatments would mitigate the visual impacts of the development at the most sensitive vantage points (see **Section 6.1.2** of this report)
- Council supports the proposed variation on the basis the additional height will result in a better planning outcome at the site.

The Department supports the proposed variation to the height control, subject to the Applicant implementing and maintaining the proposed architectural and landscape treatments on-site. The Department has recommended conditions of consent to ensure this occurs. The Department is therefore satisfied of the matters set out in clause 4.6(4) of the Lane Cove LEP 2009.

6.1.2 Visual Impacts

The Applicant's updated EIS included an assessment of the visual impacts of the amended design from key vantage points within the surrounding area. The Visual Impact Assessment (VIA) concluded:

- careful selection of building finishes and colours combined with significant landscape planting would be used to break up the façade of the data centre, and allow it to blend into the surrounding area
- while there are some viewpoints along the Great North Walk from which the site can be seen, these viewpoints are impacted by existing industrial developments within the Lane Cove West Business Park
- the development has been designed to work with the natural topography of the site, and the roof of the data centre building would not exceed the roof level of existing industrial buildings to the east. This would ensure the development does not significantly obstruct existing view corridors towards the site
- existing vegetation to the north, west and south of the site would screen the development from a number of potential visual receivers to the west of the Lane Cove River.

The extent of the visual catchment, including the viewpoints chosen by the Applicant for additional assessment, is identified in **Figure 12** below.

The Department has reviewed the Applicant's VIA and concluded the most affected views would be from viewpoints 1, 3, 10 and 11, which are located along bushwalking tracks in the area surrounding the site, and viewpoint 2 which is located in the 'Arise Lane Cove' residential tower.

The most affected visual receivers within the catchment are shown in **Figure 13** to **Figure 16**, and the potential impacts upon these receivers are discussed in further detail below.



Figure 12 | Extent of the visual catchment



Figure 13 | Viewpoint 1 – Looking south-east from the ‘Blackman Park to Epping Road’ bushwalking track



Figure 14 | Viewpoint 2 – Looking south-west from the ‘Arise Lane Cove’ residential tower



Figure 15 | Viewpoint 3 – Looking south from the Clifford Love Bridge



Figure 16 | Viewpoint 10 – Looking east from the Great North Walk

The development would also be visible from some additional viewpoints to the west and north of the site, however these views are largely screened by existing vegetation and other industrial and residential buildings. The development would not be visible from viewpoints to the east of the site.

During the exhibition of the original EIS, five submissions raised concerns regarding the potential visual impacts of the development, particularly when seen from bushwalking tracks in the surrounding area. Council also raised concerns regarding the visual impacts of the development, and recommended the Applicant:

- replace hard retaining walls with soft vegetated batters, to allow the development to blend in with the natural setting of the site
- screen rooftop condensers to soften their visual impact
- relocate and screen generator plant platforms
- ensure the development's power supply does not impact upon the existing landscape.

The Applicant subsequently undertook further consultation with Council, and made the decision to amend the development's design to minimise the amount of native vegetation removed from the site. This resulted in a reduction in the footprint of the data centre building, and a subsequent increase in the building's height (see **Section 6.1.1**).

To minimise the potential visual impacts associated with this height increase, the Applicant made several amendments to the design and layout of the development, including:

- the use of green and grey finishes to blend in with the surrounding vegetation
- an increase in the size of the eastern and western building setbacks
- relocation of the on-site substation to below the suspended roadway deck
- modifications to fire trails and access roads.

Council subsequently advised it was supportive of the amended design, subject to the implementation of the proposed architectural and landscaping treatments.

The Department has assessed the visual impacts of the amended design at the most affected visual receivers, and has concluded:

- viewpoint 1 on the 'Blackman Park to Epping Road' bushwalking track would be the most affected visual receiver as it is located adjacent to the site's western boundary. The development would not obscure any

significant local or regional views from this vantage point. The Department considers the visual impacts are moderate at this location as:

- o the current view from the bushwalking track is dominated by the degraded nature of the site and the industrial developments located on the ridgeline to the east
- o it is not possible to plant dense screening vegetation on the contaminated land between the data centre building and the bushwalking track, as it has the potential to impact upon the existing containment cell
- o the data centre building would be set back approximately 80 m from the walking track, and green and grey finishes would be used to blend the development into the surrounding area
- viewpoint 2 is located in the 'Arise Lane Cove' residential tower and would overlook the site. The Department considers the visual impacts are minor as the development is approximately 175 m from the tower, and would not block any significant local or regional views from this location
- viewpoints 3, 10 and 11 are located along the Great North Walk, and are currently impacted by existing industrial buildings and infrastructure to the north and east of the site. The Department has concluded the impacts at these vantage points are minor on the basis that:
 - o views from the Great North Walk are largely intermittent, and accessed from informal paths to the river's edge
 - o the photomontages from these vantage points demonstrate the data centre building would not block any significant local or regional views
 - o potential visual impacts associated with the development would reduce over time as the on-site landscaping reaches maturity.

The Department's assessment concludes the visual impacts of the development are acceptable, subject to the Applicant implementing the proposed architectural and landscaping treatments. The Department has subsequently recommended conditions of consent to ensure the proposed architectural treatments and on-site landscaping (including the use of green and grey finishes and screening trees) are installed and maintained for the life of the development.

6.2 Traffic and Access

The construction and operation of the development would generate additional traffic movements, which has the potential to impact on the safety and operational performance of the surrounding road network. Access to the site would be via a private driveway off Sirius Road, which is a local road managed by Council. The updated EIS included a Traffic Impact Assessment (TIA) which assessed the development's potential traffic, access and parking impacts. The TIA was prepared with reference to the RMS's *Guide to Traffic Generating Developments* and the Lane Cove DCP 2010.

6.2.1 Construction

The TIA noted construction of the development would occur over three years and generate 300 heavy vehicle movements per day (one way), including up to 30 heavy vehicle movements per hour during the AM and PM peak periods (see **Table 3**). During construction works, there would be maximum of 320 workers on-site at any given time, however this would vary significantly depending on the construction stage. Construction staff would typically arrive on site between 6 AM and 7 AM, prior to the commencement of the AM peak period (8 AM to 9 AM).

The Applicant advised it intends to lease space within an adjacent office building, which would provide approximately 100 car parking spaces for construction staff. Additional parking for construction staff would also be provided on-site, and staff would be encouraged to take public transport or carpool where possible.

A draft Construction Traffic Management Plan (CTMP) was included as part of the TIA, and provided an overview of the measures which would be put in place to minimise construction traffic impacts. The Department has

subsequently recommended the implementation of a finalised CTMP, to ensure the development does not impact upon the surrounding road network during construction. The CTMP would detail the parking and access arrangements for construction staff vehicles, and include measures to encourage the use of alternative transport options (such as public transport and car-pooling).

Table 3 | Construction vehicle movements

Works	Construction Vehicle Movements (One way)		
	Daily	AM Peak Hour (8 AM to 9 AM)	PM Peak Hour (5 PM to 6 PM)
Excavation	200	20	20
Construction	100	10	10

6.2.2 Operation and Parking

The TIA's assessment of the potential operational impacts of the development on the local road network was based upon the requirements of the likely future tenant. The TIA noted up to 100 jobs would be generated by the development, separated into two shifts:

- day shift (7:00 AM to 7:00 PM) – Approximately 70 staff on-site
- night shift (7:00 PM to 7:00 AM) – Approximately 20 staff on-site.

Based on RMS guidance, the data centre is expected to generate 31 light vehicle movements per hour during both the AM and PM peak periods, with a total of 190 light vehicle movements per day. Service vehicle deliveries would be infrequent, generating a maximum of three movements per day during the AM and PM peak periods. The development would generate approximately one vehicle movement every two minutes during the AM and PM peak periods, and would subsequently result in minimal impacts to surrounding intersections and the regional road network.

The Lane Cove DCP 2010 requires the development provide a total of 99 car parking spaces. The development proposes to provide a total of 67 car parking spaces, two of which would be designated as disabled spaces. Five bicycle spaces and four parking spaces would also be accommodated on-site, in accordance with the requirements of the DCP.

During the exhibition of the original EIS, the RMS raised no concerns with the proposed traffic generation and parking arrangements of the development. TfNSW recommended the Applicant prepare and submit a Transport Access Guide (TAG) and Sustainable Travel and Access Plan (STAP) for the development, outlining the measures which would be employed to reduce reliance on private vehicles.

Council requested the Applicant provide additional justification for the proposed parking rates, including initiatives to encourage the use of alternative modes of transport. In response, the TIA in the updated EIS noted the proposed parking arrangements were acceptable on the basis that:

- the site is located within 5 minutes' walk of two bus stops connecting to Chatswood and the Sydney CBD
- parking spaces have been provided for alternative transportation options, including motorbikes and bicycles
- a minibus bay is provided outside the front gate for dropping off/picking up staff (if required)
- the Applicant has prepared a TAG and STAP for the development to reduce car-based travel and encourage active transport options.

Council subsequently advised it had no further concerns in relation to the proposed parking arrangements, subject to the implementation of the development's TAG and STAP and the provision of a minimum of 15 bicycle parking spaces at the site. The Department has incorporated these requirements into the recommended development consent.

6.2.3 Conclusion

The Department is satisfied the Applicant's TIA provides a reasonable estimation of the predicted traffic impacts of the development during construction and operation, and has demonstrated that these impacts would be minor and acceptable.

The Department's assessment concludes the local and regional road network can accommodate the predicted traffic volumes, and the development would provide appropriate parking arrangements. In addition, the Department has recommended conditions requiring a CTMP and the implementation of the Applicant's TAG and STAP, which will ensure appropriate measures are introduced to manage and minimise traffic generation associated with the development.

6.3 Other Issues

The Department's assessment of other issues is provided in **Table 4** below.

Table 4 | Summary of other issues raised

Consideration	Recommended Conditions
Fire safety	
- The development has the potential to pose unique fire hazards and risk for fire fighters due to the use of Power Train Units (PTUs) and the volume of diesel fuel to be stored at the site. - The development's original EIS noted up to 500,000 L of diesel fuel would be stored at the site to facilitate continued operation during a power outage event. - As part of the amended application for the development, the total volume of fuel proposed to be stored at the site was increased to 3,336,000 L. The Applicant advised this increase was necessary to provide up to 48 hours of uninterrupted operation during a power outage event. - The updated EIS included a Building Code of Australia Report and Dangerous Goods Report, which identified the quantity of lithium-ion batteries and volume of diesel fuel to be stored at the site and associated fire safety measures. - The EPA raised concerns regarding the volume of fuel proposed to be stored at the site, and highlighted that such an increase would trigger the requirement for an Environment Protection Licence (EPL) under the POEO Act. - In response to the concerns raised by the EPA, the Applicant provided additional details regarding the design of the diesel fuel storage system, and advised the capacity of this system would not exceed the 2,000 tonne (approximately 2,259,887 L) trigger for an EPL under the POEO Act. - FRNSW raised concern regarding the form of development and quantity of materials stored. FRNSW deemed the development to be a 'special hazard' under Clauses E1.10 and E2.3 of the National Construction Code due to the challenges that data centres pose to firefighters in responding to incidents in which additional fire safety solutions are required.	Require the Applicant: - prepare a Fire Safety Study and updated plans for the diesel fuel storage system (including the on-site generators), prior to the commencement of construction - ensure the diesel fuel storage capacity of the site does not exceed 2,000 tonnes at any one time.

Consideration	Recommended Conditions
• The Applicant provided additional details regarding the design of the fire safety measures associated with the PTUs and the diesel fuel storage system, and consulted directly with FRNSW regarding the fire and life safety system requirements for the development. • FRNSW subsequently confirmed the design of the fire and life safety systems could be finalised through separate consultation with the authority prior to construction, but requested the development consent include a condition requiring the preparation of a Fire Safety Study for the development, if directed by FRNSW. • The Department notes that while the Applicant has provided additional information regarding the design of the PTUs, the design of the diesel fuel storage system is preliminary and would be subject to further detailed design prior to construction. • Notwithstanding the above, and in view of the safeguards proposed in the updated EIS, the Department is satisfied the diesel fuel storage system can be designed and operated in a safe manner. • Noting the advice provided by FRNSW and the EPA, the Department has recommended the Applicant prepare and submit a Fire Safety Study and updated plans for the diesel fuel system, prior to the commencement of construction. • The Department has also recommended a condition ensuring the diesel fuel storage capacity of the site does not exceed 2,000 tonnes at any one time. Any future increase in capacity beyond this threshold would be subject to separate approval.	
Contamination	
• Previous industrial uses on the site may have contaminated the soil and groundwater, which may be disturbed during construction of the development. • The north-western corner of the site was also historically used for landfilling, and is the subject of a current 'Maintenance of Remediation Order' (Notice No. 28027, dated 27/09/2005) issued by the EPA. Contaminated fill in this area was previously capped with clay in the mid-1990s. • The updated EIS subsequently included a Remedial Action Plan (RAP), which details the findings of site investigations undertaken between 2005 and 2019 on the extent and nature of contamination at the site. The potential contaminants of concern identified in the RAP include heavy metals, asbestos, hydrocarbons, and per- and poly-fluoroalkyl substances. • The preferred remediation strategy, as proposed in the RAP, is to manage the existing contaminated area in the north-western corner of the site through institutional controls (i.e. ongoing management to prevent future contact and/or disturbance of impacted material), given: ◦ the fill material has been in place for approximately 15 years ◦ a number of investigations have shown the contaminated material is relatively inert ◦ the clay capping has been shown to be satisfactorily thick. • The majority of contaminated material would be left in-situ, and the development's landscaping and stormwater management system have been designed to emulate existing conditions within the vicinity of the capped area.	Require the Applicant: • engage an accredited Site Auditor • update the RAP to address any requirements of the Site Auditor • undertake the remediation works in accordance with the endorsed RAP • submit a Site Audit Report and Site Audit Statement which demonstrate the site is suitable for its intended use • prepare and implement a LTEMP • list the LTEMP on the site's title in perpetuity.

Consideration	Recommended Conditions
• A small section of the building's foundations would extend over the eastern end of the contaminated area. Foundation piling would be conducted under controlled conditions, in accordance with the RAP. • Any residual impacts following construction would be managed through an Environmental Management Plan (EMP), which would be listed on the site's title in perpetuity. • The Applicant also undertook additional groundwater monitoring at the site in June 2019, and concluded groundwater at the site is not considered to present a significant impact to human health and the environment. • The EPA recommended an accredited Site Auditor confirm the appropriateness of the development's RAP prior to construction and, following the completion of the remediation works, the suitability of the site for its use as a data centre. The Department has incorporated this requirement into the recommended development consent. • One public submission requested the contaminated area be cleaned up prior to the determination of the SSD application. • The Department has reviewed the RAP and is satisfied that, through the implementation of the preferred remediation strategy during construction, the site can be made suitable for its use as a data centre and associated office. • The Department has also recommended the implementation of a Long Term Environmental Management Plan (LTEMP) prepared in accordance with the <i>Contaminated Land Management Act 1997</i>, rather than an EMP. The LTEMP will ensure any residual impacts from the contaminated material are appropriately managed in accordance with the recommendations of the Site Auditor. • The Department's assessment concludes that the site presents a low risk of harm to human health and the environment and can be made suitable for the proposed use, subject to the implementation of the recommended conditions.	
Biodiversity	
• During the exhibition period, a number of concerns were raised by Council, the EES and the local community in relation to the removal of native vegetation at the site and the impact of the development upon the Lane Cove River, Stringybark Creek and the adjacent wetland area. • In response to the issues raised, the Applicant undertook further consultation with Council, and made the decision to amend the development's design to minimise the amount of native vegetation removed from the site. • The amended design has reduced the footprint of the data centre building, and subsequently reduced the area of native vegetation impacted by the development by approximately 26% (from 0.79 ha to 0.66 ha). • The updated EIS included an amended Biodiversity Development Assessment Report (BDAR) prepared in accordance with the EES's <i>Biodiversity Assessment Method</i> (OEH, 2017). • The assessment identified 0.91 ha of native vegetation on the site, separated into two patches of PCT 'Smooth-barked Apple - Red Bloodwood open forest'.	Require the Applicant: • purchase and retire ecosystem credits in accordance with the EES's Biodiversity Offsets Scheme • undertake pre-clearing surveys • update and implement the development's VMP • erect fencing around the vegetation restoration areas (for the duration of construction) • implement suitable measures to manage pests, vermin and noxious weeds

Consideration	Recommended Conditions
- The BDAR concluded the development would require the removal of 0.66 ha of native vegetation, comprising: 0.38 ha to accommodate the data centre building and associated infrastructure 0.28 ha to be managed within APZs. - The Applicant would offset the loss of this vegetation in accordance with the requirements of the EES's Biodiversity Offsets Scheme. - The updated EIS also included a Vegetation Management Plan (VMP), which would guide the revegetation of the site, and restoration works in the contaminated area. - The EES requested the Applicant further modify the development footprint to minimise impacts to native vegetation, and sought clarification regarding the number of trees proposed to be removed, the apparent retention of invasive tree species and why the BDAR's recommended management and mitigation measures had not been adopted by the Applicant. - In response, the Applicant provided additional justification regarding the size of the development's footprint, and the work undertaken to date to minimise impacts to native vegetation. The Applicant also committed to the removal of all invasive tree species from the site and incorporated the majority of the EES's suggestions into its management and mitigation measures. - The Applicant advised it was not feasible implement some of EES's recommendations (including the transplanting of juvenile material, the collection of top-soil and the use of mature trees during construction and revegetation works) given the steep topography of the site, the prevalence of weeds in existing areas of vegetation and the types and quantities of species required to implement the revegetation works. - The Department notes that while the development would result in the removal and/or disturbance of 0.66 ha of native vegetation at the site, the Applicant has worked in consultation with Council to develop a considered and environmentally sensitive design which minimises impacts upon on-site native vegetation and EECs in the surrounding area. - The development would also assist in improving the quality and connectivity of existing on-site native vegetation through the removal of invasive tree species and the implementation of the revegetation and restoration works outlined in the VMP. - The Department has subsequently recommended conditions to ensure the VMP and the Applicant's management and mitigation measures are implemented throughout the construction and operation of the development, and to ensure the Applicant purchases and retires the required ecosystem credits.	prepare and implement a Landscape Management Plan.
Water	
<u>Stormwater</u> - In its original design, the Applicant proposed to collect and treat on-site stormwater before discharging directly to Stringybark Creek. - During the exhibition period, significant concerns were raised by Council, the special interest groups and the local community in relation to the suitability of the stormwater management system and its impact upon the Lane Cove River, Stringybark Creek and the adjacent wetland area.	Require the Applicant: install the stormwater management system prior to the commencement of operation and in accordance with the relevant standards.

Consideration	Recommended Conditions
• The Applicant subsequently undertook further consultation with Council, and redesigned the stormwater management system to remove pollutants and detrimental nutrients, while maintaining ground and surface water flows to surrounding bushland and wetland areas. The system would comprise: ◦ a piped stormwater drainage system and associated filtration devices ◦ a 110 kL rainwater tank ◦ an infiltration trench system, which would maintain groundwater levels along the perimeter of the site. • Council advised it was satisfied the redesigned stormwater management system will deliver Water Sensitive Urban Design, and subsequently provided recommended conditions of consent. • The Department's assessment concludes that stormwater drainage has been designed in accordance with the requirements of Council and is adequate for the management and treatment of flows from the site. The Department has recommended the stormwater management system be installed prior to the commencement of operation and in accordance with the relevant standards. <u>Flooding</u> • The updated EIS included a Flood Study for the development, which noted the site is located across the Stringybark Creek and Lane Cove River catchments. The study modelled three separate flood events, and found the flood level during a PMF event would be 5.4 m Australian Height Datum (AHD). • As all on-site buildings would be located above 6.5 m AHD, the study concluded the development would not be impacted by flooding. However, limited information was provided regarding off-site flooding impacts from the development. • The EES raised concerns regarding the effect of the development on flood behaviour in the surrounding area and the emergency management aspects of the site. • The Applicant's RTS included an additional flood review, which undertook further modelling of post-development flood behaviour and provided further detail regarding evacuation routes during a flood event. • The review found the development would not result in off-site flood impacts, as pre- and post-development flood levels at Stringybark Creek would be 2.11 m AHD during a 1% Annual Exceedance Probability (AEP) event. The review also confirmed the development's evacuation route via Sirius Road would not be impacted during a flood event. • The Department's assessment concludes the development has been designed with floor levels that will protect future occupants from flooding and would not result in adverse flooding impacts off-site.	
Noise and vibration	
• The development has the potential to generate noise and vibration during construction and operation which could impact the amenity of the surrounding area. • The nearest sensitive receivers to the site are as follows: ◦ the 'Blackman Park to Epping Road' bushwalking track, adjoining the north-western boundary of the site (passive recreation)	Require the Applicant: • adhere to standard construction hours • implement the CNVMP contained in the updated EIS

Consideration	Recommended Conditions
- o 1A Sirius Road, Lane Cove West, adjoining the north-eastern boundary of the site (commercial) - o the 'Arise Lane Cove' residential tower, located approximately 175 m to the north of the site (residential). • The updated EIS included a Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and a Noise Impact Assessment (NIA) prepared in accordance with the <i>Noise Policy for Industry</i> (EPA, 2017).	• adhere to the requirements of the <i>Interim Construction Noise Guideline</i> • ensure operational noise associated with the development does not exceed noise limits for surrounding sensitive receivers
<u>Construction</u> • The CNVMP included a qualitative assessment of construction noise and recommended several mitigation measures to minimise construction noise impacts to sensitive receivers, including the use of less noise and vibration-intensive construction equipment and positioning noisy equipment as far away from sensitive receivers as possible. • While there may be some construction noise impacts associated with the development, the Department is satisfied construction noise would be temporary in nature, and would be appropriately controlled through the CNVMP and the Applicant's mitigation measures. • The Department has recommended conditions to ensure the construction works are undertaken in accordance with the CNVMP and the noise management levels in the latest version of the <i>Interim Construction Noise Guideline</i>. Construction works would be restricted to 7 AM to 6 PM on weekdays and 7 AM to 4 PM on Saturdays, with no works occurring on Sundays or public holidays.	• submit a Noise Verification Report once the development is fully operational.
<u>Operation</u> • The NIA provided a quantitative assessment of operational noise impacts, including noise associated with the proposed roof-top chillers and transformers and the regular testing of back-up generators. • The NIA predicted noise levels at the nearest residential receiver (Arise Lane Cove) would be: - o 1 dB below the relevant daytime criteria (51 dBA (Leq, 15 min)) - o 4 dB below the relevant evening criteria (48 dBA (Leq, 15 min)) - o 3 dB below the relevant night criteria (43 dBA (Leq, 15 min)). • The NIA noted the operation of all back-up generators during a power outage event would exceed the relevant noise criteria at the nearest sensitive receivers. The Applicant subsequently requested the relevant noise criteria not apply during a power outage event, given the rarity of such an event occurring. • The EPA did not raise any concerns in relation to noise, but recommended the Department ensure the noise impacts of the on-site generators are appropriately considered as part of its assessment of the SSD application. • The Department is satisfied the Applicant's NIA is conservative and that operational noise generated by the development will comply with the requirements of the <i>Noise Policy for Industry</i>. The Department has recommended conditions of consent imposing operational noise limits for the development and the submission of a Noise Verification Report once the development is fully operational. The operational noise	

Consideration	Recommended Conditions
limits would not apply to emergency operations, given the unlikelihood of a power outage event occurring. The Department concludes the potential impacts from construction and operational noise are acceptable in the context of the industrial nature of the locality, and can be suitably mitigated through best practice noise management procedures and the recommended conditions of consent.	
Bushfire	
- The proposed development is located on bushfire prone land. As such, the updated EIS included a Bushfire Protection Assessment (BPA) to assess potential bushfire risks to people, the development and the surrounding environment. - The BPA concluded the development complies with the aims and objectives of <i>Planning for Bushfire Protection 2006</i>, subject to implementation of Asset Protection Zones (APZs) and additional bushfire protection measures. - The RFS raised concerns regarding the relocation of the on-site diesel fuel storage tanks to external platforms, and requested the Applicant: - investigate additional bushfire protection measures to support the location and suitability of the diesel fuel storage tanks - provide further information regarding safe access routes around the data centre building during a bushfire event. - The Applicant's Addendum RTS subsequently included an assessment of the potential bushfire risk posed to the diesel fuel storage tanks and the elevated roadway. This included modelling of the maximum thermal energy the storage tanks would be subjected to during a bushfire event. The Applicant's assessment concluded the proposed tank design is suitable and would minimise heat transfer from the bushfire to the stored fuel. - RFS advised it had no further comments in relation to the development, and recommended conditions to ensure compliance with Australian Standards and <i>Planning for Bushfire Protection 2006</i>, the ongoing management of APZs and the preparation of a Bushfire Emergency Management and Evacuation Plan. - The Department considers that, subject to the implementation of the recommended conditions, the potential bushfire risks associated with the development would be appropriately managed through compliance with the relevant Australian Standards and <i>Planning for Bushfire Protection 2006</i>.	Require the Applicant: - manage the APZs in perpetuity - design and construct the development in accordance with the relevant Australian Standards and <i>Planning for Bushfire Protection 2006</i> - prepare a Bushfire Emergency Management and Evacuation Plan for the development.
Heritage	
<u>Aboriginal cultural heritage</u> - The updated EIS included an Aboriginal Cultural Heritage Assessment (ACHA), which noted the site is highly disturbed as a result of its industrial history. - The ACHA noted there are 115 Aboriginal cultural heritage sites registered within a 2 km buffer of the development. All sites were located in close proximity to sources of water, and were either exposed during land clearing works or found within areas of sandstone outcrops. - A field investigation of the site (consisting of an archaeological survey) was also undertaken, and concluded there was no potential for the development to impact Aboriginal sites or areas of archaeological sensitivity.	Require the Applicant: - implement an unexpected finds protocol - update and implement the Vegetation Management Plan contained in the updated EIS.

Consideration	Recommended Conditions
• Consultation was undertaken with Aboriginal groups and individuals who registered their interest. Comments were provided on the ACHAR and one party advised it did not support the ACHA or its recommendations. • The EES were invited to review the ACHA during the exhibition period but elected not to provide comments. • The ACHAR concluded that direct or indirect impacts to archaeological deposits are unlikely and recommended: ◦ an unexpected finds procedure be implemented during construction ◦ the proposed landscaping design incorporate native species ◦ Gammerraygal names be used in any visual interpretation or signage at the site. • The Department's assessment concurs with the findings of the ACHA and concludes that given the level of disturbance, it is unlikely that intact Aboriginal archaeological deposits will be encountered on site. • The Department has recommended conditions of consent consistent with the ACHA, which require the implementation of an unexpected finds protocol and the Applicant's VMP during construction and excavation works. <u>Non-Aboriginal cultural heritage</u> • The updated EIS included a Historical Heritage Assessment and Statement of Heritage Impact (SoHI), which concluded the site has been heavily disturbed over the past 100 years, and does not comprise historic heritage significance or historical archaeological potential. • To the immediate north of the site are two local archaeological areas and heritage items, being the 'Chicago Mills' and the former 'Cumberland Paper Mill' site. One public submission noted the importance of these sites to the area's industrial heritage and the history of chemical manufacturing in Australia. • The SoHI concluded the development would not directly impact upon the 'Chicago Mills' and the 'Cumberland Paper Mill' items, given the design of the data centre building, the area of native vegetation between the site and the heritage items and the industrial character of the surrounding area. • The Department is satisfied the site is not of historical significance and, given the separation distances from nearby items, would not have an impact on these items. • The Department has recommended a condition requiring the Applicant implement an unexpected finds protocol for any archaeological relics uncovered during construction.	
Lane Cove Tunnel	
• The development has the potential to impact upon the Lane Cove Tunnel's (LCT) western ventilation shaft (which runs under the north-eastern corner of the property) and the adjoining LCT Motorway Control Centre (MCC). • In its submission on the original EIS, the RMS requested additional information regarding the potential impacts of the development upon the ventilation shaft and the MCC, particularly in relation to construction and landscaping. • The Applicant's updated EIS included a response to the concerns raised by the RMS and committed to carrying out vibration monitoring and additional boreholes during construction.	Require the Applicant: • undertake additional boreholes and vibration monitoring in the vicinity of LCT assets • submit detailed drawings to the RMS, demonstrating the development's foundation

Consideration	Recommended Conditions
• The RMS subsequently reiterated its concerns in relation to the potential impacts of the development upon the LCT ventilation shaft and the MCC, and requested the Applicant take additional boreholes prior to the determination of the SSD application. • During the preparation of its Addendum RTS, the Applicant consulted directly with the RMS to ensure their outstanding comments were fully addressed. Following these discussions, the RMS advised it had no further comments in relation to the development, subject to the Applicant undertaking additional boreholes in the vicinity of LCT assets prior to construction. The Department has incorporated this requirement into the recommended development consent. • The Department has also recommended conditions requiring the Applicant undertaken vibration monitoring during construction and submit detailed drawings of the final foundation design to RMS. • The Department's assessment concludes the development would not impact upon LCT assets in the surrounding area, subject to the recommended conditions of consent.	design will not impact upon LCT assets.
Air quality	
<u>Construction</u> • The Development has the potential to impact on air quality in the surrounding area during construction and operation. • The updated EIS included a draft Construction and Site Management Plan (CSMP) detailing the measures which would be implemented by the Applicant to minimise and control dust during construction. • The Department has recommended conditions requiring the Applicant update and implement the CSMP contained in the updated EIS, and to take all reasonable steps to minimise dust generated during construction. <u>Operation</u> • During the exhibition of the original EIS, one public submission raised concerns in relation to air quality. In addition, the EPA recommended the Department ensure the potential impacts of the on-site generators and associated fuel tanks are appropriately considered as part of its assessment of the SSD application. • The updated EIS included a desktop assessment of the potential air quality impacts associated with the use of the back-up generators during a power outage event. The assessment concluded it was unlikely the back-up generators would impact upon air quality in the surrounding area, provided their use is limited as much as possible. • The Applicant also advised filling of the on-site diesel tanks would be undertaken using sealed hoses to minimise the release of fuel vapours. • The Department concludes the development is unlikely to generate significant dust or particulate emissions, however some controls are required to effectively manage dust during earthworks and construction. These controls have been incorporated into the recommended development consent. • The Department is also satisfied the operation of the back-up generators would not impact upon local air quality, given the unlikelihood of a power outage event occurring and the measures which would be implemented to minimise the release of fuel vapours.	Require the Applicant: • update and implement the CSMP contained in the updated EIS • implement all reasonable steps to minimise dust during construction.

Consideration	Recommended Conditions
Waste management	
- The updated EIS included a Site Waste Minimisation and Management Plan (SWMMP) which proposes measures to manage, monitor and reduce waste over the life of the development. - Waste generated during construction would consist of spoil, green waste, general construction waste and non-putrescible waste, while operational waste would consist of general putrescible waste, co-mingled recycling, bulk packaging wastes and e-wastes. - The Department's assessment concludes the SWMMP provides an adequate assessment of the waste streams generated on-site. The Department is satisfied the SWMMP has been prepared in accordance with the <i>NSW Waste Avoidance and Resource Recovery Strategy 2014-2021</i> and includes appropriate measures to manage waste over the life of the development. - The Department has recommended conditions to ensure all waste is appropriately classified and managed in accordance with the SWMMP.	Require the Applicant: - identify, classify and manage wastes in accordance with the EPA's Waste Classification Guidelines - implement the SWMMP included in the updated EIS for the duration of the development.
Development contributions	
- Under section 7.11 of the EP&A Act and Council's <i>Lane Cove Section 94 Contribution Plan</i>, the Applicant is required to pay an industrial development contribution of \$44.00 per m² of GFA. This is the primary mechanism by which local traffic, drainage and open space contributions are collected in the Lane Cove West Business Park. - The Department has subsequently recommended a condition requiring the Applicant pay a Section 7.11 (previously known as Section 94) Development Contribution. At the time of writing this report, the contribution amounts to \$1,426,876, and would be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) and Council's Contribution Plan. The contribution is based on the data centre's total GFA of 32,429 m².	Require the Applicant: pay the Section 7.11 Development Contribution to Council.



7 *Evaluation*

The Department has assessed the development against the matters listed in section 4.15 of the EP&A Act and the objects listed in section 1.3 of the EP&A Act, including the principles of ESD. The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and the submissions received from the relevant public authorities, Council, City of Ryde and the public.

The key issues for the development relate to height and visual impacts and traffic and access. The Department's assessment concluded that while the development would be visible from some locations within the surrounding area, the Applicant has incorporated appropriate architectural features and finishes, landscaping and setback distances to reduce the bulk and scale of the data centre. In addition, the Department is satisfied the local and regional road network can accommodate the predicted traffic volumes of the development during construction and operation.

The Department considers the potential impacts of the development can be managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of the management and mitigation measures identified in the updated EIS
- installation and maintenance of the architectural and landscaping treatments identified in the updated EIS for the duration of the development
- preparation and implementation of a Construction Traffic Management Plan
- implementation of the Transport Access Guide and Sustainable Travel and Access Plan included in the updated EIS.

The Department also considers the proposal to be acceptable and in the public interest as it:

- would deliver 320 construction jobs and up to 100 knowledge-intensive operational jobs within the Lane Cove West Business Park
- would satisfy market demand through the provision of additional, flexible data storage capacity within the Eastern Economic Corridor
- is consistent with the objectives of the relevant strategic planning framework, including the Greater Sydney Region Plan and the North District Plan
- would not result in any significant adverse environmental or amenity impacts.

The Department concludes the impacts of the development can be adequately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development should be approved, subject to conditions.



8 Recommendation

It is recommended that the Executive Director, Compliance, Industry and Key Sites, as delegate of the Minister:

- **considers** the findings and recommendations of this report
- **considers** the Applicant's written request seeking to justify the departure from the building height development standard outlined in clause 4.3(2) of the Lane Cove LEP 2009
- **be satisfied** of the matters in clause 4.6(4) of the Lane Cove LEP 2009 to vary the building height development standard
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the SSD application
- **agrees** with the key reasons for granting consent listed in the notice of decision
- **grants consent** for the application in respect of the Lane Cove West Data Centre (SSD-9741) as amended, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Prepared by:
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Recommended by:


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Industry Assessments

Recommended by:


Chris Ritchie 5/11/19.
Director
Industry Assessments



9 *Determination*

The recommendation is **Adopted** by:

15 November 2019

Anthea Sargeant

Executive Director

Compliance, Industry and Key Sites



Appendices

Appendix A – List of Documents

Appendix B – Considerations under Section 4.15 of the EP&A Act

Appendix C – Consideration of Environmental Planning Instruments

Appendix D – Key Issues – Council and Community Views

Appendix E – Recommended Conditions of Consent

Appendix A List of Documents

The Department has relied upon the following key documents during its assessment of the development:

Original Environmental Impact Statement

- Environmental Impact Statement for Proposed Data Centre, Prepared by Willowtree Planning, dated April 2019

Amended Application

- Updated Environmental Impact Statement and attachments, prepared by Willowtree Planning, dated September 2019
- Addendum Response to Submissions letter and attachments, prepared by Willowtree Planning, dated 25 October 2019

Submissions

- All submissions received from the relevant public authorities, the relevant electricity provider, special interest groups and the general public.

Statutory Documents

- relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- relevant environmental planning instruments, policies and guidelines (see **Appendix C**).

All documents relied upon by the Department during its assessment of the development may be viewed at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9381>

Appendix B Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the matters contained in **Table 5**.

Table 5 | Matters for consideration under section 4.15

Matter	Consideration
a) the provisions of: i) any environmental planning instrument, and ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and iii) any development control plan, and - iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	A detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under the EP&A Act) that apply to the development is provided below. The Applicant has not entered into any planning agreement under section 7.4 of the EP&A Act. The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the EP&A Regulation, the findings of which are contained within this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The development involves the construction and operation of a data centre and associated office in an existing industrial area. The development is permissible with development consent.
d) any submissions made in accordance with this Act or the regulations, e) the public interest.	All matters raised in submissions have been summarised in Section 5 of this report and considered as part of the assessment of the development in Section 6. The development would generate up to 320 jobs during construction and 100 knowledge-intensive jobs during operation. The development is a considerable capital investment in the Lane Cove LGA that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.

Appendix C Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- draft State Environmental Planning Policy (Environment) (draft Environment SEPP)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- Lane Cove Local Environmental Plan 2009 (Lane Cove LEP 2009)

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. In particular, the construction and operation of a data storage premises with a CIV in excess of \$30 million meets the criteria of clause 25 of Schedule 1 of the SRD SEPP and is consequently classified as SSD. The development satisfies the criteria in clause 25 of Schedule 1, as it would involve the construction of a data centre with a CIV of \$196 million.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as traffic generating development.

The development is considered a traffic generating development in accordance with the ISEPP as it would involve the construction and operation of an industrial use on a site with an area of more than 20,000 m². Consequently, the development was referred to the RMS for comment and consideration of accessibility and traffic impacts.

The RMS did not object to the development but requested the Applicant undertake additional boreholes prior to the commencement of construction, to ensure the development does not impact upon Lane Cove Tunnel (LCT) assets in the surrounding area (see **Section 6.3**). The Department has incorporated the RMS's requirements into the recommended conditions.

The development is therefore considered consistent with the ISEPP.

State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)

The CM SEPP applies to land located in the NSW coastal zone and aims to promote an integrated approach to land-use planning in the coastal zone in a manner that is consistent with the *Coastal Management Act 2016*. This includes managing development in the zone and protecting the environmental assets of the coast. Land to the west of the site (adjacent to the Lane Cove River) is identified as a 'coastal wetland' under the CM SEPP. The data centre building would be setback approximately 88 m from this wetland.

The entire site comprises land identified as 'proximity area for coastal wetlands', 'coastal use area', 'coastal environment area' in the CM SEPP. The Department is satisfied that, subject to the implementation of the recommended conditions of consent (see **Section 6**), the development would protect the biophysical, hydrological and ecological integrity of the coastal zone and the adjacent wetland area.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 generally aims to protect and preserve bushland in certain urban areas, including in the Lane Cove LGA due to its value to the community as natural heritage, its aesthetic value and its value as a recreational, educational and scientific resource.

Under SEPP 19, a person must not disturb bushland zoned land or land adjoining land zoned for public open space purposes without consent. The site and land directly to the east is zoned IN2 Light Industrial and land to the north, south and west is zoned E2 Environmental Conservation under the Lane Cove LEP 2009.

A detailed assessment of the potential biodiversity and ecological impacts and proposed measures to minimise impacts on bushland is provided in **Section 6** of this report. The Department is satisfied the development is consistent with the aim of SEPP 19 of protecting and preserving bushland zoned land and adjoining areas zoned for public open space.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or adverse impact on off-site receptors.

The Applicant seeks approval for the construction and operation of a data centre and associated office. While the development would involve the on-site storage of up to 2,000 tonnes of diesel fuel at any one time, the updated EIS noted diesel is not classed as a dangerous good under the Dangerous Goods Code.

A detailed assessment of the potential fire safety impacts of the development is provided in **Section 6** of this report. The Department is satisfied the development is consistent with the aims of SEPP 33, and would not be considered a potentially hazardous or potentially offensive industry under clause 3 of this SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- that remediation works undertaken meet certain standards and notification requirements.

The updated EIS subsequently included a Remedial Action Plan (RAP), which details the findings of site investigations undertaken between 2005 and 2019 on the extent and nature of contamination at the site. The potential contaminants of concern identified in the RAP include heavy metals, asbestos, hydrocarbons, and per- and poly fluoroalkyl substances.

The preferred remediation strategy, as proposed in the RAP, is to manage the existing contaminated area in the north-western corner of the site through institutional controls (i.e. ongoing management to prevent future contact and/or disturbance of impacted material).

A detailed assessment of on-site contamination and the preferred remediation strategy is provided in **Section 6** of this report. The Department is satisfied the development is consistent with the aims, objectives and provisions of SEPP 55 and has subsequently recommended the Applicant:

- implement the RAP for the duration of construction
- prepare a Long Term Environmental Management Plan (LTEMP) for the site in accordance with the *Contaminated Land Management Act 1997*.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of a high-quality design and finish.

The development would involve the installation of wayfinding and safety related signage only, and any business identification signage would be subject to further approval.

The Department is satisfied the proposed signage will be appropriately incorporated into the architectural design of the development, would not detract from the surrounding locality and would provide suitable wayfinding and direction within the site. The Department is satisfied that the development will be consistent with the aims and objectives of SEPP 64.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005) provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area, and the relevant provisions of the SREP 2005 have been considered in **Table 6** below.

Table 6 | Consideration of the SREP 2005

Assessment Criteria		Comments
Part 1 – Preliminary		
CI. 2 Aims of the Plan	This clause sets out the aims with respect to the Sydney Harbour Catchment and established the principles for the purpose of enabling these aims to be achieved.	The development is consistent with the aims of this plan as it will not impede on the catchment, foreshore and waterways.
CI. 3 Land to which plan applies	Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Foreshores and Waterways Area.	The site is located within the Foreshores and Waterways Area as identified in the zoning map.
Part 2 – Planning Principles		
CI. 13 Sydney Harbour Catchment	Provides a set of planning principles for land within the Sydney Harbour Catchment.	The development is consistent with the planning principles for the Sydney Harbour Catchment as it will have a minimal impact on the natural environment and assets, including hydrological, ecological and geomorphological processes and water quality.

Assessment Criteria		Comments
Cl. 14 Foreshores and Waterways Area	Provides a set of planning principles for land within the Foreshores and Waterways Area.	The development is consistent with the planning principles for the Foreshores and Waterways Area as it will have a minimal impact on the natural assets and unique environmental qualities of Sydney Harbour.
Cl. 15 Heritage conservation	Provides a set of planning principles for heritage conservation.	The development is considered to have a minimal impact on the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area.

Part 3 – Foreshores and Waterways Area

Division 1 – Development control

Cl. 16 Zones indicated on Zoning Map	Land is zoned in accordance with the zoning map.	The site is located in close proximity to the Lane Cove River, which is zoned W2 – Environment Protection.
Cl. 17 Zoning objectives	The objectives of the W2 – Environment Protection Zone are as follows: • to protect the natural and cultural values of waters in this zone • 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 • to give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores • to provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores.	The Department has undertaken a detailed assessment of the potential impacts upon the Lane Cove River, and is satisfied the development will not result in detrimental impacts to the natural and cultural values of this waterway and the adjoining foreshore areas (see Section 6.3).

Division 2 – Matters for consideration

Cl. 21 Biodiversity, ecology & environmental protection	The consent authority must take into consideration the matters list in the clause in relation to biodiversity, ecology and environmental protection.	The Department has assessed the potential biodiversity impacts of the development in Section 6 of this report. The development would assist in improving the quality and connectivity of existing on-site native vegetation through the removal of invasive tree species and the implementation of revegetation and restoration works across the site.
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Assessment Criteria		Comments
Cl. 22 Public access to, and use of, foreshores and waterways	The consent authority must take into consideration the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways.	The development is undertaken on private property and will not impede upon public access or the use of the foreshores and waterways.
Cl. 23 Maintenance of a working harbour	The consent authority must take into consideration the matters listed in relation to the maintenance of a working harbour.	The development is separated from the Lane Cove River by a wetland area and will subsequently not impact upon the working harbour.
Cl. 24 Interrelationship of waterway and foreshore uses	The consent authority must take into consideration the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses.	The development would not impact upon waterway-related uses in the Lane Cove River or Stringybark Creek.
Cl. 25 Foreshore and waterways scenic quality	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways.	The Department has undertaken a detailed assessment of the potential visual impacts of the development, and is satisfied it would not adversely impact upon existing views and the scenic quality of foreshores or waterways, subject to the implementation of the Applicant's architectural and landscaping treatments (see Section 6.1.2).
Cl. 26 Maintenance protection and enhancement of views	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of views.	

Division 4 – Special provisions

Cl. 36 Development on land comprising acid sulfate soils	The consent authority must assess the impact of the development upon acid sulfate soils.	The Department is satisfied the development would not result in the discharge of acid water to adjacent waterways, subject to the preparation and implementation of an Acid Sulfate Soils Management Plan for the duration of construction works.
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Part 5 – Heritage Provisions

Division 4 – Miscellaneous

Cl. 59 Development in vicinity of heritage items	The consent authority must assess the impact of the development on the heritage significance of heritage items within the vicinity of the development.	The Department has assessed the heritage impacts of the development in Section 6.3 of this report. The development is considered to have minimal impacts on the heritage significance of local items in the surrounding area.
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Assessment Criteria		Comments
Part 6 – Wetlands Protection		
CI. 63 Matters for consideration	The consent authority must take into consideration the matters listed in relation to the protection of waterways and adjacent wetland areas.	The Department has assessed the potential impacts of the development upon the Lane Cove River, Stringybark Creek and the adjacent wetland area in Section 6 of this report. The development is considered to a neutral and/or beneficial effect on the quality of water entering the adjacent wetland area, subject to the full implementation of the Applicant's stormwater management system and the recommended conditions of consent.

Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)

The draft Environment SEPP seeks to consolidate seven existing SEPP's to achieve a simplified set of planning provisions for water catchments, waterways, urban bushland and protected areas. The SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs.

The development has been assessed against the existing SEPPs the draft Environment SEPP will replace. As it is considered the development is consistent with the relevant current SEPPs, the Department is satisfied the development would be consistent with the draft Environment SEPP.

Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land.

The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

Lane Cove Local Environmental Plan 2009 (Lane Cove LEP 2009)

The Lane Cove LEP 2009 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Lane Cove LGA. The LEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development is located on land zoned as IN2 Light Industrial under the LEP. As discussed in **Section 4.2** of this report, the use of the site as a data storage premises is permissible with consent, pursuant to clause 27 of the ISEPP.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the LEP and those matters raised by Council in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of the Lane Cove LEP 2009.

Appendix D Key Issues – Council and Community Views

The Department publicly exhibited the EIS for the Lane Cove West Data Centre from **Thursday 11 April 2019** to **Monday 13 May 2019**. The Department received twenty (20) submissions on the development during the exhibition period, including nine (9) from public authorities, two (2) from local councils, one (1) from the relevant electricity provider (Ausgrid), three (3) from special interest groups and five (5) from the general public. Of the eight (8) submissions received from special interest groups and the general public, seven (7) objected to the development.

The issues raised by Council, the special interest groups and the general public and a summary of how each issue has been addressed is provided in **Table 7** below.

Table 7 | The Department's response to issues raised in public submissions

Issue raised	Consideration
Built form	<u>Assessment</u> - concerns relate to the bulk and scale of the development, and that it is not in keeping with the character of the surrounding area - In response to concerns raised in relation to the removal of native vegetation at the site (see below), the Applicant reduced the footprint of the data centre building, which resulted in a subsequent increase in the building's height. - To minimise the potential visual impacts associated with this height increase, the Applicant made several amendments to the design and layout of the building, including the use of green and grey finishes to blend in with surrounding vegetation and increased setbacks to sensitive environmental areas. - Lane Cove Council (Council) subsequently advised it was supportive of the amended design, subject to the implementation of the proposed architectural and landscaping treatments. - The Department has assessed the visual impacts of the amended design at the most affected visual receivers and is satisfied that any residual impacts can be mitigated through the implementation of the recommended conditions. <u>Conditions</u> - Conditions include the requirement that the proposed architectural treatments are installed and maintained for the life of the development, and the implementation of the development's Vegetation Management Plan (VMP) to screen the development from public vantage points.
Native vegetation	<u>Assessment</u> - concerns relating to the extent of native vegetation clearing - In response to the issues raised, the Applicant undertook further consultation with Council, and made the decision to amend the development's design to minimise the amount of native vegetation removed from the site. - The amended design has reduced the footprint of the data centre building, and subsequently reduced the area of native vegetation impacted by the development by approximately 26% (from 0.79 ha to 0.66 ha). - The Department notes the Applicant has worked in consultation with Council to minimise impacts upon on-site native vegetation and EECs in the surrounding area.

Issue raised	Consideration
	- The Department is satisfied the development would assist in improving the quality and connectivity of existing on-site native vegetation, subject to the implementation of the recommended conditions of consent. <u>Conditions</u> - Conditions include the implementation of the revegetation and restoration works outlined in the VMP for the life of the development, the implementation of the Applicant's management and mitigation measures and the requirement that the Applicant purchase and retire the required ecosystem credits to offset the removal of native vegetation at the site.
Stormwater management concerns regarding the suitability of the stormwater management system, and the impact on the adjacent wetland and saltmarsh areas	<u>Assessment</u> - In response to the issues raised, the Applicant undertook further consultation with Council, and redesigned the stormwater management system to ensure pollutants and detrimental nutrients are removed, while maintaining ground and surface water flows to surrounding bushland and wetland areas. - The system would comprise a piped stormwater drainage network with associated filtration devices, a 110 kL rainwater tank connected to the roof of the data centre building, and a series of infiltration trenches designed to maintain groundwater flows to the adjacent wetland and saltmarsh areas. - Council advised it was satisfied the redesigned stormwater management system will deliver Water Sensitive Urban Design, and subsequently provided recommended conditions of consent. - The Department is satisfied the stormwater management system has been designed in accordance with the requirements of Council and is adequate for the management and treatment of flows from the site. <u>Conditions</u> - Conditions include the preparation of a surface water management plan, ongoing monitoring of surface water flows and quality, and the requirement that the stormwater infrastructure be installed prior to the commencement of operation and in accordance with the relevant Australian Standards.
Bulk earthworks concerns regarding the extent of cut and fill required to facilitate the development	<u>Assessment</u> - The amended design has reduced the scale of earthworks required to create the development's building pad, from 132,200 m³ cut/ 38,520 m³ fill to 93,900 m³ cut/ 24,800 m³ fill. - Council advised it was satisfied with the amended earthworks design, noting the cut volumes would respond to the topography of the site and assist in keeping the height and visual profile of the data centre building as low as possible. - The Department is satisfied that the scale of earthworks proposed is appropriate and would not adversely impact upon adjacent environmentally sensitive areas, subject to the implementation of the recommended conditions of consent.

Issue raised	Consideration
	<u>Conditions</u> • Conditions include the preparation and implementation of a Construction Environmental Management Plan (CEMP) for the development and the implementation of suitable erosion and sediment control measures for the duration of construction works.
Waterways and adjacent bushland areas • concerns regarding the development's potential impacts upon the Lane Cove River, Stringybark Creek and the adjacent bushland area	<u>Assessment</u> • The site is adjacent to the Lane Cove River and Stringybark Creek, both of which are identified as a coastal zone. Several submissions expressed concern as to whether the development would adequately protect these waterways and existing native vegetation within the foreshore area. • The Department has considered the Lane Cove River, Stringybark Creek and the adjacent bushland area throughout its assessment of the development (see Section 6). • The development would assist in improving the quality and connectivity of existing native vegetation through the removal of invasive tree species and the implementation of revegetation and restoration works across the site. • The Department is also satisfied the development would provide a neutral and/or beneficial effect on the quality of water entering the adjacent wetland area, subject to the implementation of the recommended conditions of consent. <u>Conditions</u> • Conditions include the implementation of the revegetation and restoration works outlined in the VMP for the life of the development, the implementation of the Applicant's management and mitigation measures, the preparation of a surface water management plan, ongoing monitoring of surface water flows and quality, and the requirement that the stormwater be installed prior to the commencement of operation and in accordance with the Australian Standards.

Appendix E Recommended Conditions of Consent

The recommended conditions of consent for SSD-9741 can be found on the Department's website at:
<https://www.planningportal.nsw.gov.au/major-projects/project/9381>