

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-9741 Lane Cove West Data Centre
Applicant	Greenbox Architecture Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Compliance, Industry and Key Sites under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)*, granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

15 November 2019

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under section 7.14(2) and section 7.16(3) of the *Biodiversity Conservation Act 2016 (NSW)*;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the development (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the development would provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$196 million and the generation of 320 construction jobs and up to 100 knowledge-intensive operational jobs in the Lane Cove local government area;
- the development is consistent with NSW Government policies including the *Greater Sydney Region Plan – A Metropolis of Three Cities* and the *North District Plan*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community, Lane Cove Council and the relevant public authorities during consultation and in submissions have been considered and adequately addressed through changes to the development and the recommended conditions of consent; and
- weighing all relevant considerations, the development is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the development from Thursday 11 April 2019 to Monday 13 May 2019 (33 days) and received 20 submissions, including seven objections to the development.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker relate to the bulk and scale of the development, the removal of native vegetation, the suitability of the stormwater management system, the extent of bulk earthworks required, and potential impacts upon waterways and adjacent bushland areas. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p>Built form</p> <ul style="list-style-type: none"> concerns relate to the bulk and scale of the development, and that it is not in keeping with the character of the surrounding area 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> 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. <p><i>Conditions</i></p> <ul style="list-style-type: none"> 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.
<p>Native vegetation</p> <ul style="list-style-type: none"> concerns relating to the extent of native vegetation clearing 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> 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 endangered ecological communities (EECs) in the surrounding area. 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. <p><i>Conditions</i></p> <ul style="list-style-type: none"> 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.

<i>Issue</i>	<i>Consideration</i>
<p>Stormwater management</p> <ul style="list-style-type: none"> concerns regarding the suitability of the stormwater management system, and the impact on the adjacent wetland and saltmarsh areas 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> 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 kilolitre 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. <p><i>Conditions</i></p> <ul style="list-style-type: none"> 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.
<p>Bulk earthworks</p> <ul style="list-style-type: none"> concerns regarding the extent of cut and fill required to facilitate the development 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> 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. <p><i>Conditions</i></p> <ul style="list-style-type: none"> 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.
<p>Waterways and adjacent bushland areas</p> <ul style="list-style-type: none"> concerns regarding the development's potential impacts upon the Lane Cove River, Stringybark Creek and the adjacent bushland area 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> 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. 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. <p><i>Conditions</i></p> <ul style="list-style-type: none"> 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 relevant Australian Standards.