

25 November 2022

**The Minister for Planning | Independent Planning Commission**  
Lodgement – [Planningportal.nsw.gov.au/major-projects/have-your-say](https://planningportal.nsw.gov.au/major-projects/have-your-say)

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## **SDD-13475973**

### **706 Mowbray Road Data Centre [Lot 10 DP1179953], Lane Cove North, NSW 2066**

#### **Submission**

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#### **Introduction**

This is a community member submission. I reside at the Lane Cove North Estate [LCNE] located at 710 Mowbray Road, Lane Cove North 2066. The Estate comprises 202 town houses and apartments.

The LCNE is neighbour to the proposed Microsoft Data Centre [Data Centre] at 706 Mowbray Road with a primary access point to the LCNE serviced by Mowbray Road West with a 700+ resident population.

Residents have advised Microsoft of their concerns regarding impacts of the demolition and building works on the amenity of the neighbourhood. Building height, urban visual impact, truck management, vehicular traffic, pedestrian safety, parking issues and environment management are of prime concern.

**I strongly object to the applicant's submission in Appendix 27 of the SSD to change the requirement and exclude Clause 4.3 of LCLEP2009. There is no defensible justification to construct a Data Centre with neighbouring residential interfaces, especially a non-compliant over development proposal.**

**Why is this project elevated as a State Significant Project [SSD] when the applicant knew and confirms in the SSD the proposal would be a blatant over-development of the LCLEP2009 to achieve operational and economic gain?**

If a Data Centre on 706 Mowbray Road was commercially viable, met the LCLEP2009 requirements, in keeping with the scale of the existing complying IN2 zoned buildings and the construction impacts addressed, I would not have the same level of concern. **The compounding effects of the proposed Data Centre over-development are of significant concern and establish a very dangerous precedent.**

The construction phase has the greatest impact of the local and broader community. The DEP will prescribe Consent Conditions, but compliance is the where the integrity of the process is compromised. **How can the public be assured that if the Data Centre is approved, that the government state and LCC have the capacity and resources to ensure pro-active compliance defined in the Consent and with regulations and standards?**

Is there a conflict of interest if the **Member for Lane Cove, who is also the Planning Minister**, approves an over-development in that LGA that attracts increased development contributions by virtue of the non-compliance to deliver fiscal benefit, in this case to government?

The greatest impact of the proposed development will be on adjoining Willoughby City Council [WCC] residents. Will contribution funds be allocated to WCC for investment into local infrastructure? The centreline of Mowbray Road is a **convenient** political delineation between the LGA's.

#### **DA 170/2021 – Demolition Works [Deferred Consent Approval]**

- The LCNE provided a detailed response to the Plans of Management submitted by the Microsoft Team in response to DA 170/2021. These did not extent to the proposed building and Landscape Works contained in the scope of this SSD. At the time of this submission the Management Plans had not received approval from the Lane Cove Council [LCC].
- It is disappointing that the submission of plans on 04 October 2022, Microsoft chose to ignore significant impacts and includes information that is factually incorrect, rather than providing specific plans to manage and mitigate these impacts.
- **It is unacceptable to defer the responsibility to 'The Contractor' appointed by MICROSOFT to prepare Management Plans that does not enable the community to input or comment on key issues and impacts.**

#### **DA 110/2022 Carpark**

- This is not publicly exhibited by LCC at the time of this submission. There are concerns regarding the extent of landscape tree removal resultant of the car park and associated loss of visual amenity and screening to the western elevation of the proposed Data Centre.
- The SSD includes architectural elevations [Appendix 5] and Visual Assessment [Appendix 8 SYD04- Mowbray Road – LVIA] that show the impact and the Arborist Report [Appendix 12] clearly indicates the tree removal to accommodate car park modification and proposed new access arrangement.
- No specific Management Plan[s] are available for review or are included in the SSD.

### **Executive Summary - Key Issues**

- **Height Limit Non-Compliance** - The proposed Data Centre **exceeds the 18m building height limit above natural ground level** as defined LCLEC2009. The proposal clearly exceeds that will impact the local visual amenity and establishes an unacceptable forward precedent for redevelopment of adjoining IN2 zoned land.
- **Visual Assessment** – the Landscape Visual Impact Statement [LVIA] is highly dependent on the landscape solution to ameliorate the building visual impact over 15 years. This is a 'living system' where there are no guarantees on the growth performance, thus the articulation and mitigation of the architectural facade is critical.
- **Tree Removal** – 65 trees [@60%] - are identified for removal in the Travers Bushfire & Ecology Report. This will severely impact the visual amenity of the Mowbray Road frontages.
- **Traffic & Pedestrian Management [TMC]** – There are **no detailed Management Plans** included in the SSD. This is a critical issue for the resident communities of Lane Cove and Willoughby Council. Peak traffic congestion and truck noise, including a high volume of truck movements, are current significant issues on the sub-arterial road.

This is not duly recognised in the SSD reports, **especially the real and cumulative impact of the nominated 2-year demolition and construction period.**

- **Management Plans [MP]** – detailed MP are **not** included in the SSD. Microsoft has indicated in community consultation that it would be relying on the MP submitted as part of the DA 170/2021 Demolition Works. These are two separate submissions, and the SSD Building and Landscape Works require specific Management Plans. Allowing the proponent's "Contractor" to provide these at a future date, **is not acceptable** nor in the communities' best interest where there is no capacity for public input.
- **Environmental Monitoring** – the LCNE is @75m from the Data Centre site at the nearest point. **Noise monitoring devices** for the currency of the project should be conditioned along with a **LCNE Building Dilapidation Report** [prepared by an independent consultant] to establish the current building condition prior to the commencement of Data Centre earthworks and rock excavation.
- **Environmental E2 Zone [southern interface]** – a specific development outcome should be for a **Vegetation Management Plan** be prepared and implemented for the E2 zone between the Data Centre and Mowbray Road that extends to the intersection at Mowbray and Epping Roads to include invasive weed, selective infill plantings and fire management provision to be provided as a specific 'community contribution' by the applicant.

## Response to Submitted Documents,

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### 1.0 Merit of Development

#### EIS [Page 125] extract,

*The Proposed Development responds ..... Mowbray Road West. Were the overall height of the building reduced, this would create significant risks to the Lane Cove Tunnel, or require an increased development footprint, impacting upon bushfire prone bushland. It is considered that the breach to the height control generates a far superior outcome in a planning sense that is consistent with the built form outcomes of existing Data Centres throughout the State, .... to justify the contravention.*

*For the reasons outlined above, it is considered that the proposed variation to the building height control under Clause 4.3 is entirely appropriate and can be clearly justified having regard to the matters listed within Clause 4.6 of LCLEP2009.*

#### Response

- **Commercial imperative** - This statement underlines the core issue regarding the building height and resulting bulk and scale of the proposed development. In simple terms, it would appear **the applicant secured a site that could not meet their operational and economic needs resulting in a proposal that exceeds the LCLEP2009 planning controls that has governed the IN2 Zone built product on Mowbray Road to date.**
- **Project Cost** - Using a \$318M development cost to justify an over-development is **not** a reason to approve a non-complying development.
- **Employment** - I agree that Data Centres are a key element of infrastructure for the State, but the stated job creation is primarily during the construction phase with post construction employees nominated at 50 or less which could be argued to be equal or less than the

previous business employment. There is not Economic Report to support the applicants claims.

- **Precedent** – Should the DEP approve this development, what guarantee does the public have that future redevelopment on the IN2 zoned land will **NOT** be over-developed using the Data Centre as a precedent?

## 2.0 Management Plans

- The SDD supporting documents relating to traffic and pedestrian management, landscape and environmental protection are silent on **specific** management practices, as was the case with the DA170/2021 Demolition Works submitted to LCC. A Planning Panel concurred that additional information was required to inform the Consent Conditions and to safe-guard the community.
- I would request that the DEP require **specific Management Plans** to inform Consent Conditions and that include appropriate verification procedures and monitoring required to protect the public during and post construction.
- **Landscape Management Plan [LMP]** – requested [refer Landscape & Visual Impact comments].
- Deferred MP prepared by the applicant's construction team / contractor is **not** an acceptable outcome whereby the community has requested the Microsoft Team provide detail during the consultations, which has not been forthcoming. **How can the public be assured by government that adequate safeguards are stipulated in the Consent Conditions and that the actions of the applicant and their contractor[s] will be held to account?**

## 3.0 Architecture

### Building Height

- **Non Compliance** – as already stated the Data Centre **does not comply with LCLEP2009**.

### Eastern Elevation

- **Existing** - the current building is 18.0m height and is set-back with a significant landscape buffer zone that reduces the building visual impact and street presence.
- **Exposure** - the Data Centre proposal is **highly visible exposing the building bulk and scale due to a minimum 8.0m setback to Mowbray Road**, building height exceeding the LCLEP2009 and no provision for a landscape buffer to the eastern boundary. The fact that the building bulk is closer to Mowbray Road exacerbates the visual impact.
- **Option** – if the proponent cannot mitigate the building through the landscape setting, take the opportunity to express the building as a **'graphic' architectural façade** drawing reference from the local vegetation or natural context. The proponent can achieve a superior outcome through textural surface treatment of the precast wall panels, applied printed graphic to screens, fins or wall treatments. The architect identified this in their design analysis but did not fully explore and apply this strategy.



Existing Baseline

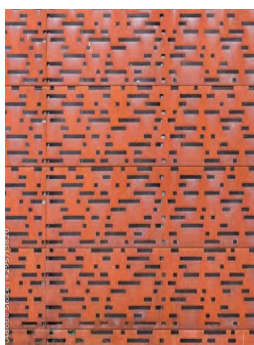


Photo montage - 0 year



Reference image – SYD04-COLO Architectural Design Report – Page 8





In my opinion, the eastern building elevation is poorly resolved. Consider a feature treatment screen and/or textural element as a feature wall treatment.

### Colour Scheme

*‘A simple yet effective mix of gradient colour change of the undulating vertical fin pattern in front of the louvers breaks up the uniform façade to add unique character to the building aimed to improve the visual amenity to the surrounding area’* [SYD04-COLO Architectural Design Report – Page 8]

I acknowledge the architectural intent as defined in the Architectural Design report, however, question the validity of the use of *‘earth colour tone gradient...’* [page 15] and as depicted on the artist impression. [page12].



Reference image – SYD04-COLO Architectural Design Report – Page 12

- **Comment** - If the intent is to create an *‘understated’* colour scheme the application of recessive colours drawn from the native eucalyptus vegetation would be more appropriate, olive, greens, bronze, and charcoal reflecting an extension of the landscape setting that is central to the proponent’s strategy to mitigate the visual impact of the Data Centre, especially for the building to the east fronting Mowbray Road.

## 4.0 Landscape & Visual Impact

- **Landscape Plan** – a detailed Planting Plan has not submitted with the SDD. Given that the project is so heavily reliant of the landscape to ameliorate the built form it would not be unreasonable to request a detailed planting plan to provide the public with confidence in the landscape commitment.
- **Super Advanced Trees** - as a minimum, super advance trees [400litre] to the Mowbray Road frontage should be conditioned.
- **Tree Removal** – The EIS [page 44] states that 24 trees will be removed. This is **incorrect** with the Travis Bushfire & Ecology - Arborist Report [Appendix 12] identifies **65 trees** for removal as identified on their plans and schedules] with 48 trees retained. Many of the trees nominated for removal are located on the Mowbray Road frontage with only two [2] mature trees retained, **making the landscape treatment a critical factor in the urban visual amenity**.
- **Living System** – the landscape is a ‘living system’ subject to a variety of influents, climatic, vandalism, maintenance and the like, that will influence the visual amenity and growth performance. The submission is highly dependent on the success of the landscape over a 15-year period to mitigate the visual impact of the development. **The performance cannot be guaranteed; thus it is imperative that there be a high level of architectural rigor in the presentation of a largely recessive built form.**
- **Landscape Management Plan [LMP]** - The preparation of a **LMP** should be a condition of the Consent and a suitable landscape performance bond considered to ensure that the initial installation is maintained by the owner and achieves agreed performance criteria as stated in the submission and in a LMP. The Consent should require a post installation landscape review process by an independent Landscape Architect at year 1, 3 and 5. This is imperative given the extent of existing tree removal and proposed non-compliant architectural height.

## 5.0 Traffic & Pedestrian Management

This is a critical issue for the resident communities of Lane Cove and Willoughby LGA's. Peak traffic congestion and truck noise, including a high volume of truck movements, are current significant issues on the sub-arterial road. This is not satisfactorily recognised in the SSD reports along with the full impact during the nominated 2-year demolition and construction period.

- **Mowbray Road Congestion** - At peak times, westbound movements on Mowbray Road adjacent the proposed Data Centre blocks the intersection at Mowbray Road West & Taylors Drive which is the only right-hand turn onto Mowbray Road for the LCNE servicing 202 townhouses and apartments.
- **Pedestrian Movements** – The SDD does not contain any detail of how pedestrian management will be addressed along the frontage to the proposed Data Centre during construction. It is essential that pedestrian movement to and from public transport [bus], the Possums Corner Childcare Centre and the Mowbray Public Primary School are maintained during the currency of any demolition or building works. This should be contained in a TMCP.
- **Traffic Management Control Plan [TMCP]** – a specific TMCP was **not** submitted with the SDD by the applicant. Throughout the consultation process traffic and pedestrian management, truck movements and control and worker parking are identified as key issues that **already impact the community with development along Mowbray Road and the sub-arterial status of Mowbray Road**. The DEP must clarify whether the applicant is relying on their Management Plans submitted as part of the Demolition Works – Deferred Consent Approval, which are not approved by LCC at the time of the SSD Application.

- **Consultation Response** - Attached is a detailed response to LCC [DA170/2021] from the LCNE regarding the exhibition of MP and residents' concerns.
- **Worker Parking** – there is no detail on parking provisions during the construction phase. My expectation is that all construction worker and visitor parking be contained on site. There must be explicit conditions requiring the applicant to,
  - a. Identify to the DEP a controlled offsite parking location, if parking cannot be accommodated onsite.
  - b. The applicant is **not** permitted to request a change of parking status of four [4] on-street parking spaces on the Mowbray West Road for their benefit during construction to LCC.
  - c. Worker or visitor parking within the adjoining LCNE is not permitted.
  - d. The applicant provides a TMCP detailing all site and offsite worker and visitor parking provisions to inform DEP Consent Conditions.

## 6.0 Environmental Management

I note the compliance obligations noted in the SSD Application and stated factor noted in relation to the Lane Cove Tunnel location below the proposed Data Centre.

Additionally, I request that the DEP considers the following provision,

- a. **Environmental Monitoring** – the LCNE is @50m from the Data Centre site at the nearest point. Noise monitoring devices for the currency of the project be conditioned and data is provided to the LCNE to verify compliance with standards on a monthly basis – transparency.
- b. LCNE Building Dilapidation Report [prepared by an independent consultant] to establish the current building condition **prior** to the commencement of Data Centre earthworks and rock excavation.
- c. **Environmental E2 Zone [southern interface]** – a specific development outcome should be for a **Vegetation Management Plan** be prepared and implemented for the E2 zone between the Data Centre and Mowbray Road that extends to the intersection at Mowbray and Epping Roads to include; invasive weed, selective infill plantings and fire management provision to be provided as a specific 'community contribution' by the applicant. I understand that these lands are under the jurisdiction of TfNSW, however are not managed appropriately.

I await a formal response to my submission and how my concerns will be addressed in the DEP determinations and Consent Conditions.

Attached also is correspondence from the Lane Cove North Estate relating the Demolition Works – Deferred Approval DA170/2021 regarding public consultation on the required Management Plans.

Yours sincerely,

**Andrew Turnbull**

2 Sawyer Crescent, Lane Cove North, NSW 2066

Andrew.turnbull63@gmail.com

[DP270236 Lane Cove North Estate]



28 October 2022

# APPENDIX

**The Planning Manager,**  
Lane Cove Council  
48 Longueville Road,  
Lane Cove NSW 2066

Attention      Mr Chris Shortt  
02-99113522  
cshortt@lanecove.nsw.gov.au

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## **DA 170/2021 Mowbray Road Data Centre - Demolition Deferred Consent Conditions Plans of Management**

### **DP270236 Lane Cove North Estate Submission**

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The enclosed submission to Lane Cove Council [LCC] is prepared by the Lane Cove North Estate [LCNE] located at 710 Mowbray Road, Lane Cove North 2066. The 'village' comprises 202 town houses and apartments.

We are a neighbour to the proposed Microsoft Data Centre [706 Mowbray Road] with a primary access point to the LCNE serviced by Mowbray Road West with a resident population of 700+.

### **Executive Summary**

The LCNE provides a detailed response to the Plans of Management submitted by the Microsoft Team in response to DA 170/2021.

Residents who will be impacted by the demolition of 706 Mowbray Road have advised Microsoft of their concerns regarding impacts of the demolition on the amenity of the neighbourhood. Vehicular, pedestrian traffic, and parking issues are of prime concern.

It is disappointing that the submission of plans on 04 October 2022, Microsoft have chosen to ignore significant impacts and includes information that is factually incorrect, rather than providing specific plans to manage and mitigate these impacts.

**It is unacceptable to defer the responsibility to 'The Contractor' appointed by MICROSOFT to prepare Management Plans that does not enable the community to input or comment on key issues and impacts.**

### **Lane Cove Local Planning Panel [05 April 22 meeting]**

At the Lane Cove Local Planning Panel meeting several speakers identified concerns which they had raised with Microsoft regarding the proposed data centre and the proposed demolition, and which had not been addressed. Amongst other concerns these included significant issues with traffic, with pedestrian movements including children, and with parking.

In response to these concerns the Panel deferred its consent and required Microsoft to prepare and submit four management plans. The purpose of these Management Plans is to examine impacts from the development (demolition) on the neighbourhood and create a plan which will manage those impacts.

This submission identifies areas where Microsoft have again chosen to ignore and omit community and site-specific concerns.

**We ask that LCC give Microsoft an instruction consistent with the Notice issued on 12 April 2022 requiring the production of detailed Management Plans to manage and mitigate the impacts of this DA. These must be specific and enforceable to protect the community.**

## **Response to Submitted Documents,**

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### **Demolition Traffic Management Plan**

**SYD04\_Y-R-0022**

The level of information provided in the Demolition Traffic Management Plan is deficient and lacks specific detail on management practices. It largely places the obligation on "the Contractor" to prepare detailed Traffic Management Control [TMC] plan which is not acceptable and does not provide the surrounding community, pedestrians, or road users with any safeguards.

Deferred Assessment Condition - Part A Section 1 of the letter of 12 April 2022 requires,

*"As a result of the site constraints, limited vehicle access and parking, an updated Demolition Traffic & Parking Management Plan (DTPMP) and report shall be prepared . . ."*

The Microsoft submission has inaccuracies in diagrams that conflict with the statements that does not allow for the true or full impact mitigation to be duly accessed. As a result, it is unable to identify what impacts will be caused by the demolition works. **A detailed TMC plan is required.**

It has been explained to Microsoft that the four parking spots immediately outside the site are constantly full, even though they are not close to any residences. This symptom reflects the fact that unrestricted parking in this area is saturated, and it is essential that these parking spots are retained for residents.

The Microsoft submission requires that parking be made available within the site and assumes that *"Workers using private vehicles would park within the extents of the site"*. However, it places no obligation on the demolition contractor or its employees not to seek to use the highly contested local parking, or even to apply for it to be converted to a construction zone.

Deferred Assessment Condition Part A Section 1 of the letter of 12 April 2022 also requires,

*"The DTMP is to include, The pedestrian management plan (in particular, pedestrians accessing the Lane Cove North Estate via Taylors Drive) with the Traffic Control Plan."*

On the contrary, the document submitted proposes that approval be given without the Traffic Control Plan and without any pedestrian management plan; and that these can be provided by the **'nominated contractor'** at another time. (Table 1). **This is not acceptable.**

## Issues that require a response and due consideration,

### 1.0 Pedestrian Movement

- The document includes **factually incorrect diagrams** and statements in relation to the existing pedestrian path movement. These need to be addressed.
- There is an existing footpath / shared cycle way [in part] to the northern side of Mowbray Road. Figure 7 [page 11] does not reflect this and shows a public path route through the LCNE, which is incorrect and misleading. There is no footpath on the southern side of Mowbray Road between Mowbray Road West / Taylors Drive and the Epping Road intersection. **The community has raised the issues of a new pedestrian path connection between Mowbray Rd. West and the lower entry to the LCNE[710 Mowbray Road] during consultations with the proponent and LCC but there is no commitment stated.**
- The Plan does not state whether the pedestrian paths to the frontage of 706 Mowbray Road will be **upgraded to 1.5m width** as per LCC recent [partial] upgrades. This should be mandated and conditioned.
- The Plan refers to '**the Contractor**' providing a Traffic Management Control Plan [TMC]. The detail is thus not provided in the Plan to enable to community to fully understand the proposed pedestrian management and safety **in what a dangerous and contested space already, especially access to the eastbound bus stops on Mowbray Road during peak traffic periods. There is not a pedestrian refuge adjacent 706 Mowbray Road.**

### 2.0 Demolition Traffic & Heavy Vehicle Management

There are inconsistencies in the diagrams, statements and management plans that require clarification,

- **Light Vehicle Access** [page 13-14] – The Plan nominates projected vehicle movements. Of practical concern, is the dedicated light vehicle access - Entry No.1 noting the **very short existing queuing distance between the entry and Mowbray Road**. At peak traffic times on Mowbray Road, especially in the morning, traffic can be backed back beyond the intersection. This severely impacts the right turn movement from Mowbray Road West. This is further compounded where there are trucks exiting the NUSS holding compound and local traffic from the LCNE. **Further assessment should be conducted to mitigate any further impact to traffic movement at the intersection and be reflected in the TMC.**
- **Stage 1 – Car Park Demolition Possums Corner** [page 15] – The Plan does not state how the demolition works will be accessed by construction vehicles. In written correspondence via the Data Centre proponent, it was indicated that Mowbray Road West would be used to service the demolition, but this is not addressed in the Demolition Traffic Management Plan. **Clarification required.**
- **Stage 2 – Demolition** [page 16 diagram] – The diagram nominates site entry via Mowbray Road – Entry 2 and the site exit via Mowbray Road West [Entry 1]. This conflicts with other diagrams and statements. **Clarification is required that all entry/exit medium and heavy vehicle movements are via Entry 2 on Mowbray Road.**
- **Truck Queuing & Marshalling** [page 24] – We note the statement that, *'No queuing or marshalling of trucks is permitted on a public road. TfNSW accredited traffic controllers will be used to manage construction traffic on the public street(s) to manage trucks entering or leaving the site'*.

**Non-compliance is a significant community concern along with air brake noise pollution by trucks as they descend Mowbray Road to the Epping Road intersection. Which authority is responsible for compliance – the police?**

- **Appendix [page 25]** – Why has the proponent indicated travel flow paths for the existing Western entry [Car Park] when it is not nominated as a site entry or exit point for the proposed demolition works? Secondly, travel paths should be shown for the nominated light vehicle entry/exit point – Entry 1. **Clarification is required.**

# CHILDCARE CENTRE MANAGEMENT PLAN

MSFT SYD04 [2022 September]

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It is noted that the demolition of the existing shared car park is included in the Plan, but a formal Development Application for the Car Park Construction and Landscape Works is subject to a **separate application** to LCC.

A select few LCNE owners / representatives have been party to consultation with the Microsoft Data Centre team and provided feedback during this process. In response to submitted feedback, they received a response from Mitchell Wakeford [2022.10.05]. Correspondence attached for the record.

The LCNE have several specific concerns in relation to the demolition of the Stage 1 Car Park works relating to construction vehicle access management and the potential impact upon Taylors Drive access to the LCNE. Given that specific details are not provided in this Plan, we request that,

- Temporary traffic management be included in the Traffic Control Plan, including traffic controller management, where required.
- That there be no medium or heavy vehicles entering or exiting Mowbray Road West
- That a 1.5m wide footpath be installed as part of the restoration works.

## Bushland Management Plan

SYD04\_Y-R-0026 [Revision 1 | 29 June 2022]

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It is noted that the Bushland Management Plan states,

*“It is noted that tree removal is **not** proposed as part of the demolition works.”*

*“As the existing concrete pavement access road around the southern perimeter of the existing building is not being removed as part of the works, it is not practical to install a retention basin in this area. The retention of the existing road will minimise site disturbance adjacent to the existing bushland area which will minimise the discharge of sediment from the site.”*

Response,

- During the pre-consultation, the Data Centre Team showed plans with trees clearly identified for removal associated with the demolition of the car park at Possums Corner. As these works are defined as Stage 1 Demolition Works, confirmation, and **clear Council direction and conditions are required on the existing tree removal and replacement strategy**, as the DA Car Park & Landscape Plans are not provided to allow determination and sequencing of the works. Refer also to email response to questions from the Microsoft Team dated 2022.10.05 [attached].
- The community was advised that the Microsoft Team has engaged with local environmental and action groups to agree a pathway for their involvement in the project and/or rehabilitation of the surrounding bush interfaces. **There is no mention of any such commitment detailed in the Plan.**
- It is also noted that local ‘weed’ species in the adjoining vegetation communities, but no mention of any action plan as part of the Data Centre Works or community benefit offset.

## Demolition Noise and Vibration Management Plan

AC05 [v4 | 12 Sept 2022]

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Response,

- **Demolition Noise & Vibration Management Plan** – The LCNE [710 Mowbray Road] supports the LCC requirement for a Management Plan.

- **Noise Sensitive Receivers** [Section 3.0 Pages 2-3] – The LCNE comprises 202 townhouses and apartments with the nearest apartments located @ 50metres from the northern boundary of 706 Mowbray Road. Why was the LCNE not considered as a prime site for noise sensitive receivers and monitoring with a resident population in the order of 700+ people? **The LCNE [710 Mowbray Road] requests the proponent provide noise sensitive receiver[s] during the currency of the demolition and construction works.**
- **Vibration Monitoring** – It is noted that vibration is limited to the demolition of the existing buildings and that no excavation works, rock breaking or cutting is proposed or permitted under the Demolition Works application and determination. The latter is most pertinent to the LCNE given the rock substrate and potential for vibration and damage to buildings and infrastructure.

**A Dilapidation Report should be commissioned by an independent party at the cost of the proponent** relating to buildings at 2-6 Taylors Drive [SP66446], which is located in the LCNE are most likely to be impacted by the 706 Mowbray Road Data Centre Works.

We await a formal response to our concerns and trust that these will be noted and incorporated in the Lane Cove Council determinations and Consent Conditions.

Attached also is relevant correspondence relating the proposed Stage 1 – Car Park Works as a record of select pre-lodgement consultation.

Yours sincerely,

**The Lane Cove North Estate [710 Mowbray Road]  
DP270236 Community Association - Executive Committee  
Mr Bill Bewsher – Chair**

Correspondence

We request that any formal correspondence be directed to the Community Strata Manager -c/o Bright & Duggan via Mr. Mark Launt - [Mark.Launt@bright-duggan.com.au](mailto:Mark.Launt@bright-duggan.com.au).



**From:** [Mitchell Wakeford](#)  
**To:** [bbewsher@yahoo.com.au](mailto:bbewsher@yahoo.com.au); [andrew.turnbull63@gmail.com](mailto:andrew.turnbull63@gmail.com); [yoharaclose@bigpond.com](mailto:yoharaclose@bigpond.com); [rendallholdings.james@bigpond.com](mailto:rendallholdings.james@bigpond.com); [Andrew Turnbull](#)  
**Cc:** [Lucy Guerin](#)  
**Subject:** RE: [EXTERNAL] 706 Mowbray Road - presentation of DRAFT DA documentation for childcare car park  
**Date:** Wednesday, 5 October 2022 4:18:27 PM

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Hi All

Please note we provide the below update to questions previously raised and also a general update with respect to Microsoft's activities on this site.

General status:

- **Car Park Development Application** – our car park DA was submitted to Lane Cove Council in September. We have not received any feedback to date from LCC but as soon as we become aware of their intended exhibition period we will notify this group and the broader community via website and mailing list.
- **Demolition Development Application (Deferred Consent)** – we have produced initial management plans to address the deferred consent items, taking and incorporating the feedback from this group and the childcare where we can. What we expect to be the most sensitive is our noise and vibration management plan. Our specialist acoustic assessment determined that the noise restrictions and conditions within the DA are impractical, and to comply with them demolition and construction works are essentially impossible. We have proposed in our plan to adopt the Interim Construction Noise Guideline (ICNG) as a base line but have proposed additional monitoring and management activities which go beyond the requirements of the guideline. The guideline is linked here for context - [Interim Construction Noise Guideline \(nsw.gov.au\)](https://www.nsw.gov.au/interim-construction-noise-guideline)
- **State Significant Development Application** – our SSDA was lodged in September to DPE. We have received initial feedback from the Department, and they have indicated that they intend to put on public exhibition this year. We are in the process of preparing a more detailed information package for the community and distribute this prior to the exhibition period to provide context of how we have accepted community feedback, and conversely any items we were not able to accommodate and reasoning / context why.

Responses to specific questions raised:

1. **Bill Bewsher** - We anticipate significant impacts to the Village, and I have not been able to find any clarification of what mitigations are proposed. Will Microsoft progress to document this essential part of the DA process? [Certainly, our DA application includes a 13 page Statement of Environmental Effects. This includes commentary with respect to anticipated impacts to noise, traffic, flora and fauna, impacts to the bushland as well as further items.](#)
2. **Andrew Turnbull** - MICROSOFT stated that the Management Plans associated with the Demolition Conditional Consent would be the basis and applicable to the proposed Car Park DA. To date they have not been lodged and not available for public comment. [This is correct, the production of the management plans involved a large amount of Microsoft internal consultation. We wanted to accommodate as much as possible, however a lot of the conditions impact construction productivity and have cost impact also. We believe we were able to address nearly all items raised, the exception of which are the noise requirements where we have proposed an alternate acoustic guideline. These documents have been lodged with Council as of last week.](#)

3. **Andrew Turnbull** - DA Approval Process - These are two separate Development Applications and as such all supporting documents should be provided specific to the respective DA? Yes this is correct. For practicality purposes we initially were aiming to have a single management plan which addresses both DAs to provide our contractors with a single reference point to limit any confusion. However we now see the value of providing independent documentation.
4. **Andrew Turnbull** - Truck Movements – You stated that access would be via Mowbray Road West. This is **not** acceptable and contradicts the submission on the Demolition DA and direction of the Panel. Why can't total construction access and trades parking be provided from within the 706 development site? This will negate the need for Traffic Control and potential interference with NUSS, to the Taylors Drive entry to the Lane Cove North Estate and to pedestrian movement.

Please note this access is proposed for the Car Park works only, as we will require access to complete works on the street and provides greater separation between construction areas and childcare customers / parking. Our main reason is for safety, and not mixing construction zones and vehicles with parents with prams and young children. Our traffic assessment has indicated that for the car park construction period traffic to Mowbray Road West will be reduced from normal due to our temporary diversion of all childcare traffic via 706 Mowbray eastern entrance. We do intend to provide traffic control for the works period.
5. **Andrew Turnbull** - Mature tree removal - I note the proposal is to remove at least 3 mature trees that would be impacted by the new car park reconfiguration. This will move significant environmental benefit and visual amenity. I would strongly suggest that your Landscape Plan commit to a 2:1 offset provision and that as a minimum 3x200Litre native trees re-instated with 3x45Litre trees compensation.

We welcome further feedback on this item during public exhibition and the detailed plans. Spatially in the car park area we are providing a set number of car parks to the child care to meet their operating requirement, and this additional hard stand impacts our ability to provide more trees in this location. We have retained the largest tree in this area, committed to providing trees along the full frontage of the proposed future, and committed to further bushland regeneration activities at the rear of site in order to offset trees we are removing.
6. **Andrew Turnbull** - Landscape buffer - I note the existing landscape treatment to car park end conditions will be removed and replaced by a retaining wall and 2.4M high palisade security fence. This will present a very 'hard' interface at the site boundary without a soft landscape solution. As a minimum, the Microsoft team should consider how the visual impact of fence could be mitigated through consideration of the introduction of art elements | fence panels drawing inspiration from the local vegetation. Unfortunately we are unable to provide landscaping or an alternate fence type. The reason for this are spatial and Australian Government security requirements which we are required to comply with in order to store government data. We do propose to provide soft landscaping to screen the structure from this angle, however this landscaping sits behind the aforementioned security fence. We have however taken this recommendation and the temporary construction hoarding will include imagery for the duration of construction, and engaged with the childcare with respect to this.
7. **Andrew Turnbull** - Building Bulk & Scale – I note that this was not specific to the presentation but I want to reconfirm your verbal advise that the building height to the Mowbray Road frontage has been limited to three storeys [3] at 18.0m + 3.0m roof plant

totalling an overall height of 21.0m. This was not noted in the meeting minutes. Our meeting with the community was purely with respect the car park and demolition deferred consent, which is why this was not included in the minutes. Please note we have included within the SSDA documentation how this is measured, as we understand there is some confusion in this respect due to the changing levels and gradient of the site.

8. **Andrew Turnbull / James Rendall** - queried plans to restore the site in the event Car Park and Demolition works are completed but SSDA is not approved. Tree removal does not form part of the scope of the demolition DA, thus trees will remain. The only trees removed prior to SSDA approval will be child care car park area.
9. **Andrew Turnbull / James Rendall** - raised opportunity to provide visual amenity to childcare with appropriate treatment of hoarding and fence separating car park and proposed data centre. We have committed to providing screening for the hoarding by way of imagery, and have engaged with the childcare in this regard. We intend to engage further and provide options prior to installing, and updating the hoarding imagery during construction to refreshen. Unfortunately we are not able to provide similar screening to the proposed permanent fence. The reason for this is that the fence specification is specific comply with Australian Government security standards, as our facility will host government data when operational. We have provided landscaping screening in front of the building, however this sits behind the fence.
10. **Andrew Turnbull** - queried extent and scope of dilapidation reports, with recommendation to complete dilapidation reports on existing buildings. Vibration study and associated management plan (which as above has been submitted to Council) details that the only building / structure within proximity requiring to be included in dilapidation report scope is 704 Mowbray Road, the commercial premises on the western boundary. Please note this report is iterative and will be further updated when a contractor is onboarded to capture methodological changes / plant selections so this may change prior to construction. Please also note this is for the demolition only, we anticipate that excavation / rockbreaking will be the most activity causing most vibration. This requires further development by Microsoft, our consultants and contractors prior to commencing main works.
11. **Andrew Turnbull / James Rendall** - raised that Fitzsimmons Avenue and other surrounding streets were not appropriately notified of the Demolition Development Application. AT mentioned the same that certain members of Lane Cove North Estate were not notified. We have attempted to raise this with both Lane Cove Council and Willoughby Council. Response from Lane Cove Council was that as the residences form part of Willoughby Council, they notify Willoughby of the DA. We were unable to obtain a response from Willoughby whether they would then notify impacted residents after multiple attempts. For this reason Microsoft are increasing our community engagement and will notify community of public exhibition of both car park DA and SSDA, as we have with this correspondence and more broadly via our website / mailing list.

Welcome any further feedback with respect to the above.

Mitchell Wakeford

E/ [mwakeford@microsoft.com](mailto:mwakeford@microsoft.com)

M/ +61 413 942 515

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