

Section 4.55(1A) Application to Modify Consent MP08_0259

6 Bellevue Circuit, Pemulwuy

Statement of Environmental Effects

On behalf of
Fujitsu



Project Director

Adam Coburn
NSW State Director



Contributors

Luke Zajac

Contact

Mecone
Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000
info@mecone.com.au
mecone.com.au

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1 Introduction

This report has been prepared on behalf of Fujitsu to support a 4.55(1a) modification application submitted to Department of Planning and Environment (DPE) in relation to MP08_0259.

Consent for the Part 3A Application MP08_0259 was granted by the Minister for Planning on 8 November 2009 for an industrial park (including warehouse and distribution centres with ancillary office space) on a 47-hectare portion of Precinct 2 within the Greystanes Southern Employment Lands, also known as the DEXUS Estate.

Since this approval, the estate has been subject to multiple modifications. Of most relevance to the subject site is MP08_0259-Mod-4 (MOD 4), which sought various site layout changes.

The subject modification application seeks minor changes to the approved site concept layout to facilitate the staged expansion of approved ancillary plant and equipment, to allow for planned data hall capacity, improving the overall operational efficiencies and provision of technology services to customers and the wider locality.

The proposed works have an estimated CIV of \$120,000,000.

The changes proposed will result in substantially the same development and have minimal environmental impact. Following discussions with the DPE, the proposed development has been submitted in accordance with 4.55(1A) of the Environmental Planning and Assessment Act (EP&A Act 1979).

This report provides the following information in relation to the proposal:

- Description of the site and surrounding context;
- Overview of the modified development proposed;
- Statutory assessment of the proposed modification;
- Environmental assessment of the proposed modification; and
- Summary and conclusion of the modification application.

This report should be read in conjunction with the following appended documentation:

- Appendix 1 – Site Survey
- Appendix 2 – Architectural Drawings
- Appendix 3 – Noise Impact Assessment
- Appendix 4 – SEPP 33 Report
- Appendix 5 – BCA Report

1.1 Project Team

The table below identifies the project team.

Table 1. Project team	
Item	Description
Proponent	Fujitsu
Urban Planning	Mecone
Architect	Genton
Acoustic	SLR
Environmental	
BCA	BM+G

1.2 Planning History

The site forms part of the broader Greystanes Industrial Estate which has been progressively developed over the last decade under the former Part 3A Approval Pathway. A summary of the site's planning history is provided below.

- Part 3A Approval: Greystanes Employment Lands – Dexus Estate - MP08_0259
- MOD 1: Solaris Paper Facility - MP08_0259-Mod-1
- MOD 2: Design Changes - MP08_0259-Mod-2
- MOD 3: Further Design Changes - MP08_0259-Mod-3
- MOD 4: Data Centre - MP08_0259-Mod-4
- MOD 5: Design Refinements - MP08_0259-Mod-5
- MOD 6: Further Design Refinements - MP08_0259-Mod-6

The subject modification application seeks to modify the site layout as approved under MP08_0259-Mod-4. A detailed summary of the approval and MOD 4 is provided below.

MP08_0259

On 8 November 2009 the Minister for Planning granted consent for an industrial park (including warehouse and distribution centres with ancillary office space) on a 47-hectare portion of Precinct 2 within the Greystanes Southern Employment Lands, also known as the DEXUS Estate.

On 6 July 2010, the Department approved the necessary pre-construction deliverables for the Fujitsu Data Centre Facility in Superlot A, in accordance with the project approval for the DEXUS Estate.

On 1 March 2011, the Department subsequently approved a minor amendment to the Data Centre Facility. The amendment involved relocation of the fire water tanks for the facility's sprinkler system, and consolidation of the number of tanks from 7 to 4.

MP08_0259-Mod-4

On 6 March 2013 DPE granted consent for consent for a Section 75W modification application under delegation. The modification sought:

'Amendments to the building footprints and envelopes, gross floor area and floor space ratio of the approved data storage facility, on Lot 14 DP 270644 within Superlot A (MP 08_0259 Modification No. 4)'

To date, only Stage 1 of the approved data centre has been developed. An extract of the approved site plan is provided below.



Figure 1: Site plan approved under MP08_0259-Mod-4.

Source: DPE

Correspondence dated 26 November 2021 with Mr Shaun Williams confirmed that DPE have begun the process of transitioning the original application to a State Significant Development under Part 4 of the EP&A Act, enabling the lodgment of a \$4.55(1A) modification application.

CDC Approvals

Multiple Complying Development Certificates (CDCs) have been issued for various works across the site, including supporting plant and equipment.

1.3 Works undertaken to date

Stage 1 Works

Works completed and constructed to date under stage 1 include:

- Hardstand & site works including ring road, carparking for current population requirements, landscaping, fencing, stormwater management, fire services, and supporting infrastructure works.

- Completed building works to date including the lower office building, stage 1 data hall building, staged data hall fit outs (CDC), 2 western ancillary Mechanical, Electrical and Plumbing (MEP) buildings to support data hall fit outs (CDC) and 1 northern ancillary MEP building to support data hall fit out with small office space (CDC).

Outstanding Works

Outstanding and approved stage(s) to be completed:

- Stage 2 works including eastern staged semi-open MEP plant gantry structure, relocation fire water tank and pump and additional water tank and in-ground fuel tanks.
- Stage 3A & 3B works including upper office addition and new data hall building at rear of site with 2 ancillary MEP buildings to support data hall fit outs.
- Stage 4 works including plant at rear of site.

Refer to the site plan provided within the Architectural Drawings and Figure 2 below.

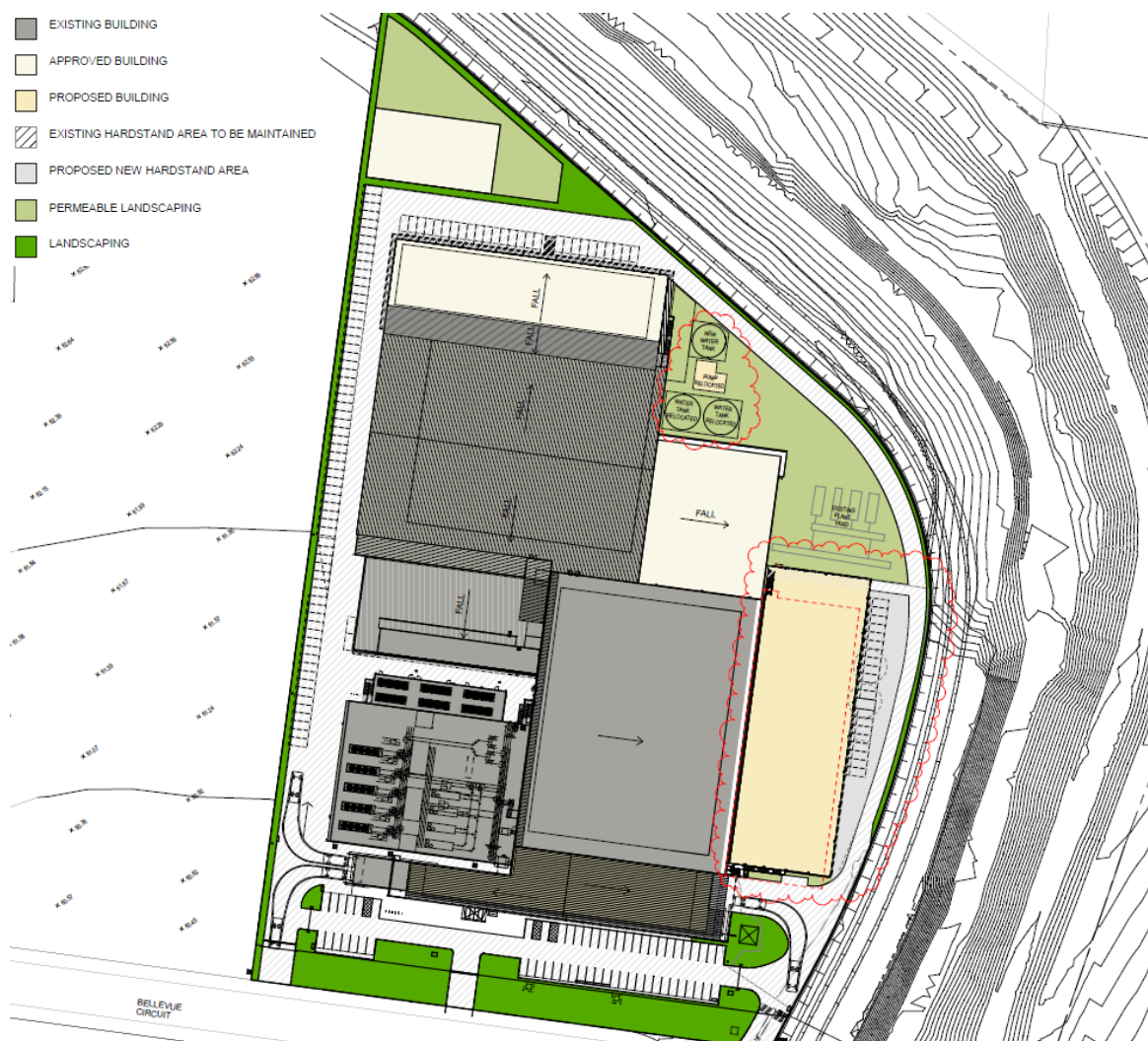


Figure 2: Site plan showing development to date.

Source: DPE

1.4 Reasons for Modification

The subject modification application seeks minor changes to the approved site concept layout to facilitate the staged expansion of approved ancillary plant and equipment, to allow for planned data hall capacity, improving the overall operational efficiencies and provision of technology services to customers and the wider locality.

Specifically, increased density within individual data halls is required to compete in the current data centre market. The overall completed capacity of the site however remains within the 35MVA electrical capacity already connected to the site.

The current approval is based on outdated data centre design which does not allow for modular containerised plant. The currently approved building was required to house the plant which is now delivered, installed, and operated in prefabricated weatherproof enclosures. Where the current approval requires equipment to be installed and then built-in to the building, the new steel gantry allows plant to be installed or removed at any time without modifying the structure or affecting adjacent plant.

The steel gantry also improves airflow around the plant installation which allows a higher density of plant within the same footprint. Modular plant requires less building structure, reducing construction duration and allowing plant to be installed as capacity is sold.

Operationally, the new plant design and layout allows increased flexibility when servicing and replacing plant, reducing the duration of planned outages and risk of plant failure. The updated design also reduces the operational Power Usage Effectiveness (PUE), improving overall environmental performance of the data centre.

2 The Site

The subject site is known as 6 Bellevue Circuit, Pemulwuy NSW and is legally referred to as Lot 14 DP 270644. The site is located in Cumberland LGA on a land parcel approximately 3.85ha in size and with a legacy of industrial use consistent with the broader area of the Greystanes Southern Employment Land. A data centre operated by Fujitsu currently occupies the site.

The surrounding area is industrial in nature and consists of various industrial uses, supplier warehouses and distribution centres. The site is located in a former quarry and was developed over the past decade.

The closest sensitive residential receivers are located 130m to the east, separated visually from the site by the quarry wall (providing an elevation drop of 20m) and the densely vegetated Marrong Reserve.



Figure 3: Site aerial map.

Source: Mecone Mosaic

3 The Proposed Modification

This report accompanies an application to modify development approved under MP08_0259 by the the Minister for Planning on 8 November 2009 (as modified by MP08_0259-Mod-4). It is understood that DPE is in the process of transitioning the Part 3A approval to a State Significant Development under Part 4 of the EP&A Act, enabling the lodgment of a S4.55(1a) modification application.

The subject approval provides consent for the construction of two data storage halls (data centre), access & car parking, landscaping, ancillary office space and plant and equipment structures.

The subject modification application seeks minor changes to the approved site concept layout to facilitate the staged expansion of the approved ancillary plant and equipment, which, due to technological advancements in the decade following the concept approval, requires a slightly expanded built form envelope.

There are no changes proposed to the data hall or data storage capacity on the site.

The proposed works have an estimated CIV of \$120,000,000.

In summary, the modification application seeks the following:

- **Staged reconfiguration of approved plant and equipment building:**
Reconfiguration of the approved plant building including:
 - Conversion from a fully enclosed building to a semi-open gantry structure.
 - New perforated metal screen to manage air flow/ventilation for plant and equipment.
 - Increase area by 665sqm.
- **Staged site layout changes and infrastructure reconfiguration:** Layout changes and reconfiguration of the site including:
 - Shift existing car parking spaces to accommodate the expanded plant gantry, however retention of 175 spaces as approved.
 - Relocation of fire water tank and pump to the rear of the site.
 - Approval for an additional water tank in proximity to the relocated tank and pump.
 - Increase landscaped area by 48sqm.
 - Increase hardstand by 66sqm.
 - Approval for new underground fuel tanks to east of proposed plant and equipment gantry.

A numerical summary of key site data is provided below.

Table 2. Proposed building envelope amendments			
Element	Approved	Proposed	Difference
Site Area	38,5000sqm		Nil.
Warehouse Area	34,530sqm	34,530sqm	Nil.
Plant	21,886sqm	22,551sqm	+665sqm
Office Area	2,834sqm	2,384sqm	Nil.
Total Building Area	40,091sqm	40,091sqm	Nil.
Total Building Footprint (at ground level)	22,282sqm	22168sqm	-114sqm
Total landscaped Area	6,882sqm (17.87%)	6,930sqm (18%)	+48sqm
Hardstand area	9,237sqm	9,303sqm	+66sqm
Site cover	57.8%	57.6%	-0.2%
FSR	103.5%	103.5%	Nil.
Building height (excluding enclosed rooftop plant)	31.7m	31.7m	Nil.
Parking	175	175	Nil.
Bicycles	6	6	Nil.
Employees	148 approx.	148 approx.	Nil.
Hours of operation	24 ours, 7 days	24 hours, 7 days	Nil.

Full details of design changes are provided in the relevant appendices provided with this SEE and, in the subsections below.

3.1 Staging Plan

To maintain operational flexibility and allow the supporting infrastructure to be developed as required, the proposed amendments are to be staged. The gantry structure and MEP equipment and services will be installed incrementally as required. A summary of the proposed staging is provided below:

The proposed Stage 2 works will service four high density data halls within the existing data centre:

- Stage 2a includes construction of plant gantry required to service two (2) data halls, and extension of existing utilities to service this plant.
- Stage 2b includes construction of the remaining plant gantry to service two (2) more data halls and installation of in-ground fuel tanks to service this plant.
- Stage 2c includes installation of screening to the finished gantry, following installation of all plant.

A staging plan has been prepared by Genton and is provided within the architectural package, provided under separate cover.



Figure 4: Proposed staging plan

Source: Genton

3.2 Reconfiguration of the approved plant and equipment building

In response to technological advancements and the need to service the approved data storage warehouses on the site, a minor staged expansion of the approved (but not yet constructed) plant and equipment building to the east of the existing data hall is proposed. The building will also be substituted for a semi-open gantry structure that is better suited to accommodate the supporting plant and equipment.

In addition, a new perforated metal screen will also be installed following the completion of the gantry construction and commissioning. This will manage air flow and ventilation associated with the plant and equipment within the building.

The changes will increase the total area of the building by 665sqm. The structure will increase in height by 1.35m. Including the rooftop plant however, the overall height of the structure (as approved) will not change.

The below extract compares the existing and proposed footprint of the structure.

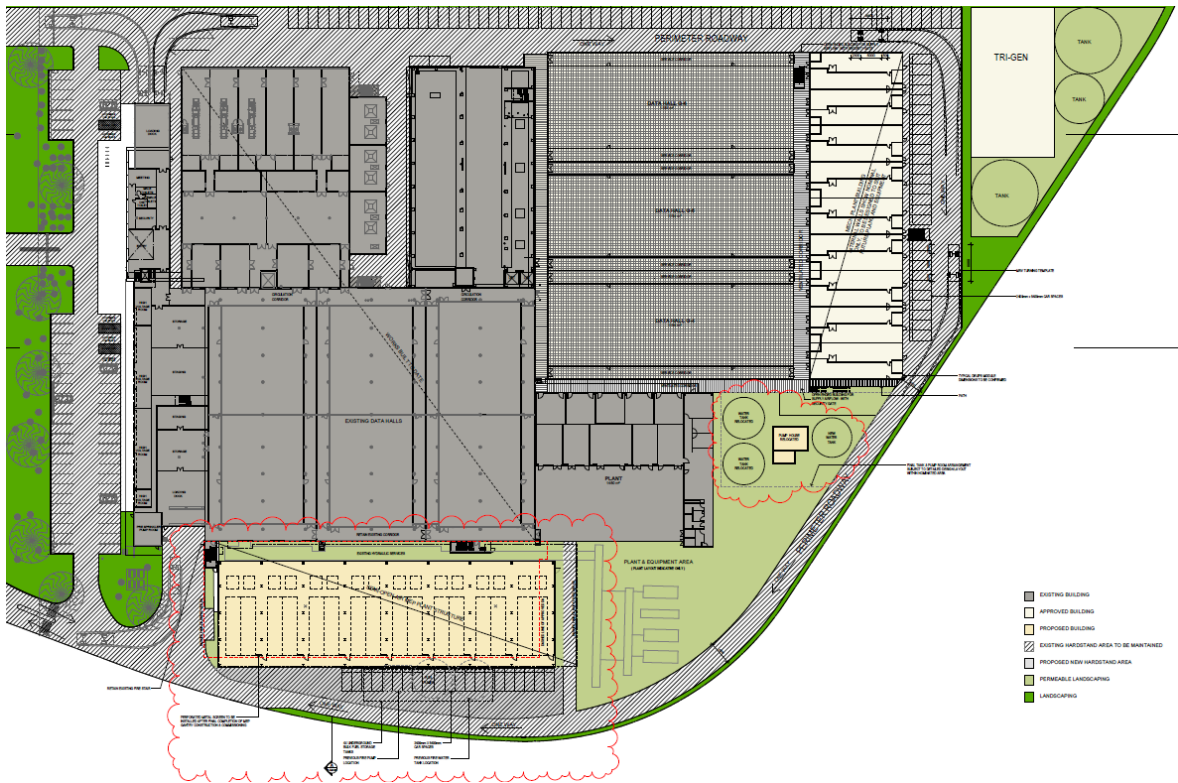


Figure 5: Proposed ground floor plan

Source: Genton

The figures below highlight the changes between the approved and proposed plant and equipment building and highlight that there is minimal difference between the two designs.

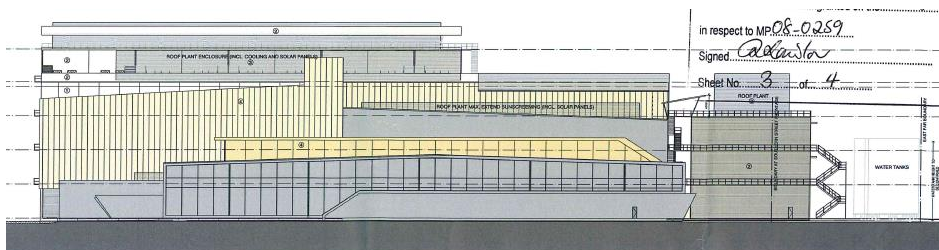


Figure 6: Approved southern elevation

Source: Genton

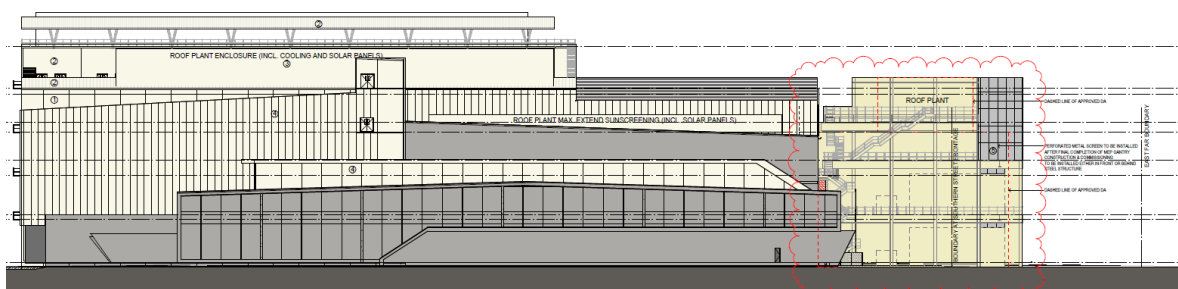


Figure 7: Proposed southern elevation

Source: Genton

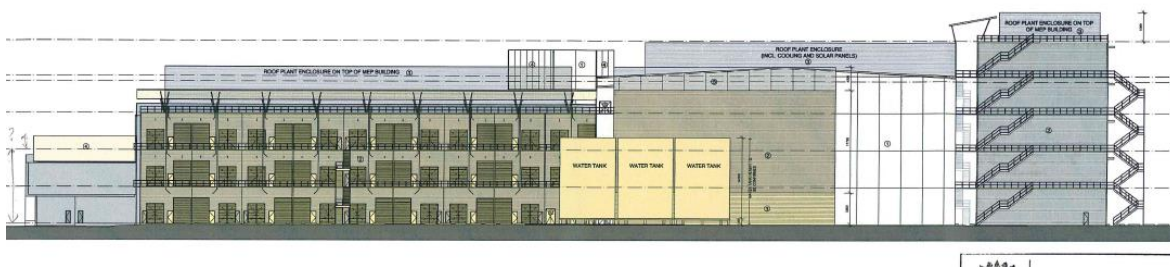


Figure 8: Approved eastern elevation

Source: Genton

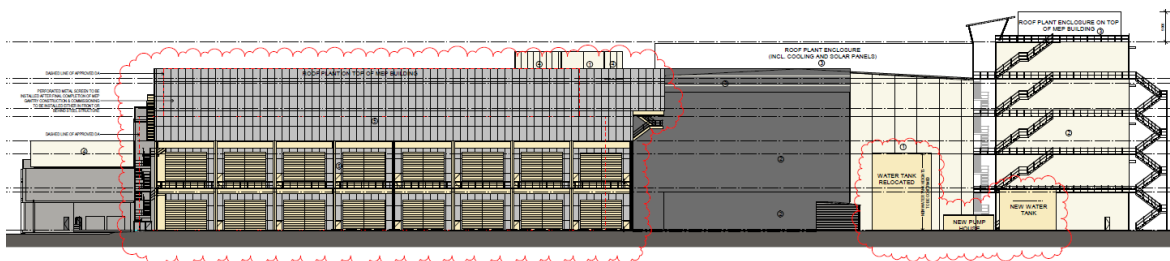


Figure 9: Proposed eastern elevation showing amended built envelope

Source: Genton

It is noted that the need for an enclosed building has been superseded by changes in plant design. Supporting plant and equipment is containerised to facilitate simpler construction techniques and enable easy replacement or upgrades. These containers are acoustically concealed, and weather protected, intended to simply be 'slotted' in rather than installed.

3.3 Site layout and infrastructure reconfiguration

To accommodate the expanded gantry structure envelope, several site layout changes and subsequent infrastructure reconfigurations will be required.

In summary, the changes include the following:

- Shift the approved 21 car parking spaces to the east corresponding with the extension of the plant and equipment gantry
- Relocation of fire water tank and pump to the rear of the site
- Approval for an additional water tank in proximity to the relocated tank and pump
- Increase landscaped area by 48sqm.
- Decrease building footprint at ground level by 114sqm
- Increase hardstand by 66sqm.
- New underground fuel tanks to east of proposed plant and equipment gantry.

These changes are shown in the extract of the ground floor plan provided as Figure 5.

3.4 Modification of Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below.

Condition 2 Schedule 2

In Condition 2 of Schedule 2 delete all of the words in point (i) and replace with the following words:

Modification Application 08259 - MOD 7 within supporting documentation titled, (TBC) dated (TBC) and the following associated plans:

- R.DA00 COVER SHEET 25 FEBRUARY 2022
- R.DA01 LOCATION PLAN 25 FEBRUARY 2022
- R.DA02 SITE PLAN 25 FEBRUARY 2022
- R.DA03 GROUND FLOOR PLAN 25 FEBRUARY 2022
- R.DA04 FIRST FLOOR PLAN 25 FEBRUARY 2022
- R.DA04BTHIRD FOOR PLAN 25 FEBRUARY 2022
- R.DA04C FOURTH FLOOR PLAN 25 FEBRUARY 2022
- R.DA05 ROOF PLAN 25 FEBRUARY 2022
- R.DA06 ELEVATIONS 25 FEBRUARY 2022
- R.DA07 ELEVATIONS 25 FEBRUARY 2022
- R.DA08 SECTIONS 25 FEBRUARY 2022
- R.DA12 STAGING PLAN 25 FEBRUARY 2022

Reason: The condition requires modification to the instrument of approval to allow for the proposed changes to the buildings footprint which would not otherwise be considered as being generally consistent with the original Architectural Design Package.

In Condition 2 of Schedule 2 immediately after point (i) insert a new point (j) as follows:

'As amended by subsequent modifications, as listed in condition 2, schedule 2'

Reason: The wording of Point (i) was deleted to accommodate the updated architectural plan references and needs to be replaced.

Appendix 1

Replace existing Appendix 1 with updated Site Plan 'R.DA02 SITE PLAN 25 FEBRUARY 2022'.

Reason: The condition requires modification to the instrument of approval to allow for the proposed changes to the site plan which would not otherwise be considered as being generally consistent with the original Architectural Design Package.

4 Statutory Assessment

An assessment of the modified development against relevant legislation, environmental planning instruments (EPIs) and development control plan (DCP) is provided in the subheadings below.

4.1 Protection of the Environment Operations Act 1979

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

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

The proposed modifications, as submitted to DPE, do not trigger any thresholds in respect of the POEO Act, for which an Environmental Protection Licence (EPL) would be required. Accordingly, the Proposed Development has taken complete cognisance of the potential thresholds that may trigger an EPL.

In the SEPP 33 Report prepared by SLR, they note that capacity to store greater than 2,000 tonnes of petroleum products require an EPL from the NSW Environment Protection Authority (EPA). Under the revised design, being the subject of this Modification Application, the storage capacity at 1,090 tonnes is not expected to require an EPL.

4.2 State Significant Precincts SEPP 2005

The State Significant Precinct SEPP (Precincts SEPP) is the principle environmental planning instrument (EPI) applicable to the site. The site is located in the Greystanes Southern Employment Lands site, with detailed controls provided for in Appendix 10 of the SEPP.

It is noted that pursuant to Clause 3 of Appendix 10, the Cumberland LEP 2021 does not apply to the site:

The only environmental planning instruments that apply, according to their terms, to land within the Greystanes SEL site are this Policy and all other State environmental planning policies.

The proposed modification remains consistent with the objectives and requirements of Appendix 10 of the Precincts SEPP 2005 for the following reasons:

- **Zoning:** the use remains unchanged and continues to be permissible within the IN2 zone in accordance with the land use table.
- **Height of buildings:** No change to the overall height of the plant building is proposed. It is noted that under MP08_0259-Mod-4, a non-complying height of 37.7m was approved for the data halls. Although inconsistent with the maximum height of building control, it is consistent with the 40m building height approved for the site under MP08_0259. No further assessment is required, with the proposed structures located below the approved 37.7m height.
- **Gross Floor Area:** The modified development does not propose any additional GFA or data storage capacity and is limited to plant and equipment and the relocation of water tanks.

- **Floor Space Ratio:** As discussed above, the modification does not propose any additional GFA.
- **Car Parking in new or existing buildings:** No changes to the approved number of car parking spaces is proposed as a result of the modification.
- **Design excellence:** The semi-open gantry structure will contain containerised plant and equipment to support the operating data center on site. The gantry is located adjacent to the quarry wall, will be setback 50m from Bellevue Circuit and largely screened by the existing data hall. Design excellence considerations are not considered necessary in this instance.
- **Public utility infrastructure:** Existing site services will be maintained, with no changes proposed under this modification.

4.3 SEPP (Resilience and Hazards) 2021

Chapter 3 Hazardous and offensive development

Chapter 3 of the Resilience and Hazards SEPP 2021 has been developed to control potentially hazardous and offensive developments and to ensure appropriate safety features are installed at a facility and risks to surrounding land uses are minimised.

The policy includes a guideline that assists government and industry alike in determining whether the Chapter applies to a specific development. The guideline, "*Applying SEPP 33 - Hazardous and Offensive Developments*" provides a list of threshold levels, for the storage of dangerous goods, above which the regulator considers their storage to be potentially hazardous. In the event the threshold levels are exceeded, (former) SEPP 33 applies, and a Preliminary Hazard Analysis (PHA) is required to be undertaken and submitted with an application.

A SEPP 33 – Preliminary Risk Screening has been undertaken by SLR and is provided under separate cover. The risk screening indicates that the development may not be classified as a hazardous or offensive industry.

It is the conclusion of SLR that the proposed development, with suitable engineering and design controls in place, meets all the requirements stipulated by DPE, and hence would not be considered, to be an offensive or hazardous development on site.

Chapter 4 Remediation of Land

Chapter 4 stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated, and if so whether the land is suitable in its contaminated state for the purpose of the development or whether remediation is required.

A Site Audit Statement (SAS) was conducted in 2008 to support precinct wide development and was approved under MP08_0259. The SAS concluded that the site was suitable for commercial and industrial uses.

As the modification does not extend beyond the boundary of the Greystanes Employment Lands, and generally within the footprint of the already approved development, no further investigations are required. DPE can therefore be satisfied that the site is suitable for the approved industrial use.

5 Environmental Assessment

5.1 Built Form and massing

The proposed modification will convert the approved plant and equipment building to a semi-open gantry structure, with slight decreases to the building footprint at ground level, and a new perforated metal screen which is designed to manage air flow and ventilation for plant and equipment.

The new perforated metal screening will be provided to screen much of the plant and equipment on the gantry. Whilst this modification will visually expose some of the plant, it is considered to be an acceptable outcome due to the nature of the plant and immediate surrounding context of the site. The plant will be fully enclosed in containers, which will hide unsightly elements such as piping, fans and other infrastructure that would traditionally contribute to visual clutter.

Further, the gantry will largely be hidden from the public domain due to its location within the eastern side setback of the existing data hall. The hall largely screens the gantry from Bellevue Circuit, with the adjoining quarry wall to the east screening the gantry from this aspect.

Gantry structures containing supporting plant infrastructure are also not unexpected in industrial areas. The closest sensitive residential receivers are located 130m to the east, separated visually from the site by the quarry wall (providing an elevation drop of 20m) and the densely vegetated Marrong Reserve. The modified development is commensurate in bulk and scale to that which was previously proposed and will not result in any increase in overall building height, nor impacts to views to residents or the streetscape.

In conclusion, when considering built form and massing, the modified development continues to result in an acceptable outcome and will not result in any adverse impacts.

5.2 Noise and Vibration

5.2.1 Methodology

A Noise Impact Assessment (NIA) has been prepared by SLR and is provided under separate cover. The NIA summarises the results of ambient noise measurements undertaken at the site, assesses the potential operational noise impacts associated with the project.

An unattended noise monitor was placed on the site during November 2021 to establish existing background noise levels at the site. Short-term attended noise monitoring was also completed at the site to allow for the contributions of the various noise sources to be determined. The monitoring equipment was positioned to measure existing noise levels that are representative of receivers potentially most affected by the project, within constraints such as accessibility, security and landowner permission.

The potential operational noise levels from the project have been predicted to the surrounding receivers using ISO 9613-2 industrial noise algorithm in iNoise Version 2021.1. The model includes ground topography, buildings and representative noise sources from the project.

The subsequent assessment considers the collected and modelled noise levels against the requirements of the NSW Noise Policy for Industry (NPfI) 2017.

5.2.2 Existing conditions

Surrounding noise receivers include a mix of industrial and residential development. The closest residential (sensitive) receiver is located 138m to the east of the site, outside of the quarry wall, as shown in the figure below.

Surrounding noise sources include operational noise generated by the site itself, mechanical plant and road traffic associated with surrounding industrial development, and general road traffic noise generated by nearby Greystanes Road.



Figure 10: Surrounding Receivers and Noise Monitoring Locations

Source: SLR

5.2.3 Noise emission from proposed works

Predicted Noise Levels

Noise sources associated with the operation of the development that have been considered include on-site traffic, use of the loading docks and operation of mechanical plant.

Predicted worst-case scenario noise levels have been calculated, and the results provided at Table 10 of the NIA. The results show general compliance with specified trigger levels at nearby sensitive receivers, with the exception of a +1dB exceedance during the night-time period at the residential property located at 98 Darug Avenue, east of the project site. An extract of the operational noise emissions expected to be generated by the site is shown below.

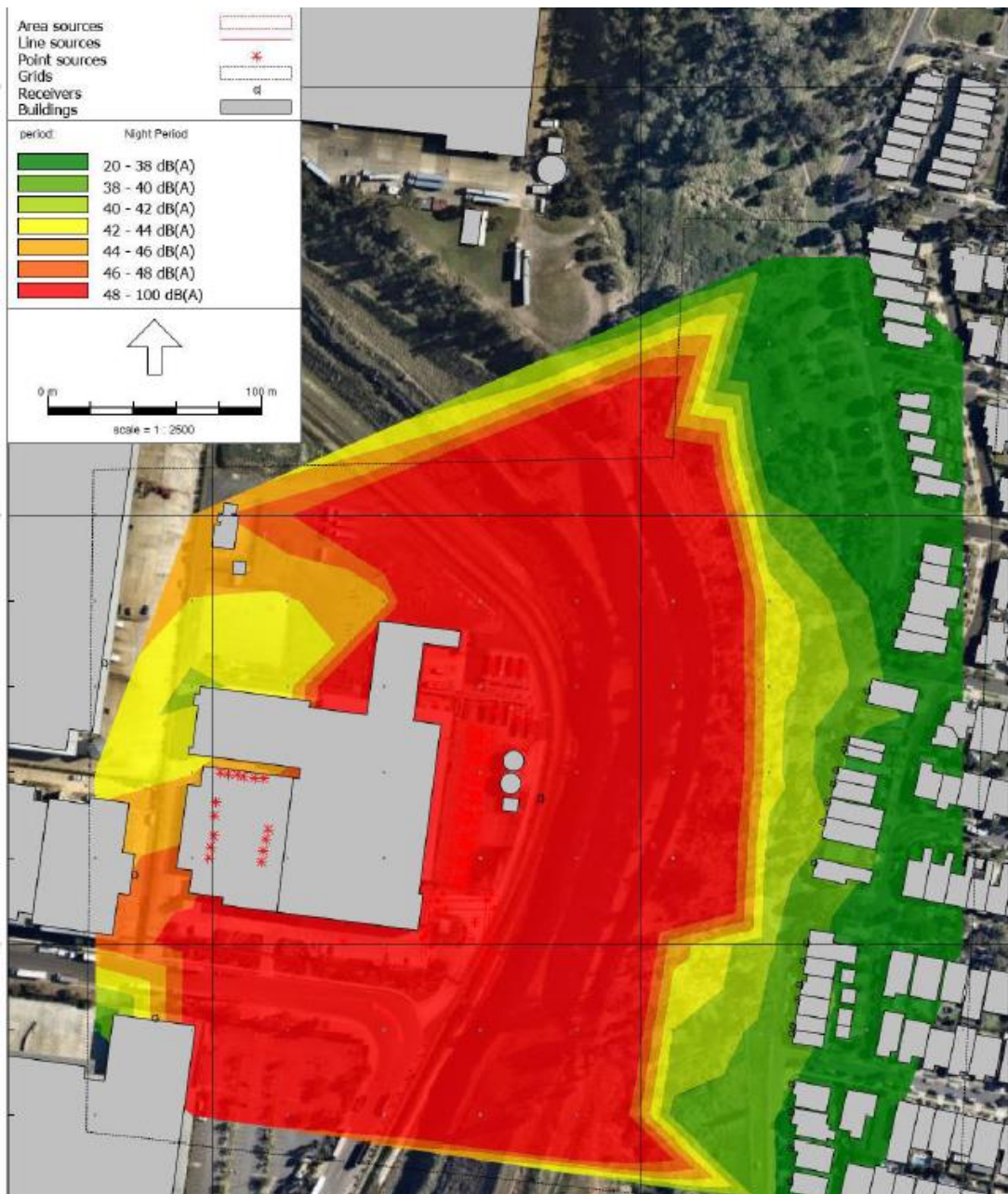


Figure 11: Operational noise emissions

Source: SLR

The modelled scenario assumed a worst-case operational scenario, with the 1DB exceedance only occurring if there is a power outage and all generators including existing and proposed are operable. Given this exceedance will only occur in extreme situations, and will not occur during typical operations, it is considered negligible.

Sleep Disturbance

SLR have also calculated the predicted night-time L_{Amax} noise levels at the nearest residential receivers, with the results provided in Table 11 of the NIA.

The assessment concludes that maximum noise events from the proposal are predicted to be below the sleep disturbance screening level at all surrounding residential receivers.

5.2.4 Mitigation Measures

As advised by SLR, operational noise emissions from the proposal are generally predicted to comply with the PNTLs at the surrounding receivers and no specific mitigation measures are required.

5.3 Overshadowing

The proposed development results in no discernible overshadowing impacts. The proposed built envelope changes are minor in nature, with the proposed building converted to a semi-open gantry structure. Overshadowing would be limited to the subject site and adjoining quarry wall face. On this basis, the overshadowing of the development will remain acceptable and will not impact on any adjoining properties. No further assessment is deemed necessary.

5.4 Traffic and Transport

The modified development will maintain the approved 175 car parking spaces and will continue to cater for parking demands at the site sufficiently. Furthermore, internal road networks within the site will continue to cater adequately for vehicular movements. No further assessment is deemed necessary.

5.5 BCA Report

A BCA report prepared by Blackett Maguire and Goldsmith has been submitted with the DA. The report confirms that the development is capable of complying with the relevant BCA requirements via a mixture of performance-based solutions and compliance with deemed-to-satisfy requirements, without significant changes to the proposed design. Confirmation of compliance will be undertaken at the construction certificate stage.

5.6 Civil Engineering

Civil works will be undertaken in accordance with the previously approved application with only minor changes required at detailed design stage.

5.7 Pre-condition requirements

The project approval includes a number of conditions that are required to be completed to the satisfaction of the Director-General prior to the commencement of construction of each element of the DEXUS Estate.

Given the minor nature of the medication, the project's consistency with the pre-construction approval requirements has not changed.

In accordance with Schedule 3, conditions 2 and 27, detailed architectural plans and a Preliminary Risk Screening have been provided with the application.

5.8 Site Suitability

The proposed development continues to be suitable for the site for the following reasons:

- The subject site is zoned IN2 Light Industrial zone and a data centre in this zone is permissible with consent;
- The resultant development is of a bulk and scale that is consistent with the objectives of the subject zone, commensurate with the industrial nature of the locality and consistent with relevant development standards;
- The proposal is of a suitable size and configuration to accommodate the proposed development;
- The proposal remains consistent with the key planning controls applicable to the site;
- The proposal is designed to minimise adverse impacts on surrounding land uses and will support the ongoing operation of an existing industrial use in the area; and
- The proposal does not result in any detrimental or adverse amenity impacts to adjoining properties.

5.9 Public Interest

The proposed development continues to be in the public interest as it will provide a land use which is considered critical infrastructure and for the reasons provided in 5.8 above.

6 Justification for the Modified Project

6.1 Need for the Proposal

As discussed in detailed within Section 1.4 of this report, the subject modification application seeks minor changes to the approved site concept layout to facilitate the staged expansion of approved ancillary plant and equipment, to allow for planned data hall capacity, improving the overall operational efficiencies and provision of technology services to customers and the wider locality.

As demonstrated throughout Section 5 of this report, the proposed modification will have negligible environmental impacts with consideration to built form, noise, overshadowing, traffic, BCA, civil engineering and overall site suitability.

6.2 Substantially the Same

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the ability to modify development approvals through Section 4.55. In this regard, consent is sought for a modification pursuant to Section 4.55(1A) of the EP&A Act, which states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

6.3 Minimal Environmental Impact

The proposed modifications are considered to result in minimal environmental impact as the underlying land use would remain unchanged. Stormwater, traffic, noise, air quality and construction impacts would be managed, consistent with the findings and recommendations of MP08_0259-Mod-4. Additionally, the proposed modifications in relation to built form will not cause any undue or adverse visual impacts with respect to

nearby sensitive visual receivers, or result in any further environmental impacts than what was previously assessed under MP08_0259-Mod-4.

6.4 Substantially the same development

The proposal as altered is considered substantially the same as:

- The underlying use of the land, being for a Data Centre would remain as originally approved
- There is no fundamental change to the area subject to the modification, which will be maintained for plant and equipment
- There would be a slight change to the approved building footprint at ground level (-114sqm), hardstand area (+66sqm) and landscaped area (+48sqm).
- There are no changes proposed to the number of carparking spaces provided to service the development
- There are no changes to the site's stormwater management outcomes.

It is considered that the proposal, as modified, remains consistent with the larger scale industrial and warehouse development as assessed under the original approval.

The modifications do not alter the overall nature of the approved development for data storage, nor does it introduce any adverse environmental impact to the site or surrounding locality, due to its location within the industrial estate, a former quarry.

The modification will not increase the intensity of the use on the site, with no additional GFA proposed as a result of the expanded plant and equipment gantry structure and relocation of water tanks, nor increase capacity of the existing approved data storage halls.

6.5 Reasons given for granting consent

Section 4.55(3) of the EP&A Act requires that the consent authority also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. In approving both MP08_0259 and MP08_0259 - MOD 4, the Department assessed the merits of the project and were satisfied that the site was suitable for the proposed development and that the project would provide environmental, social and economic benefits to the region.

7

Conclusion

This report has been prepared on behalf of Fujitsu to support a 4.55(1A) modification application submitted to DPE in relation to MP08_0259.

The subject modification application seeks minor changes to the approved site concept layout to facilitate the staged expansion of approved ancillary plant and equipment, to allow for planned data hall capacity, improving the overall operational efficiencies and provision of technology services to customers and the wider locality.

Taking into consideration the statutory and environmental assessment undertaken within this report it is considered that the application should be supported as it remains substantially the same as originally approved and will not result in any additional built or environmental impacts as result of the changes proposed. Accordingly, we trust that DPE will issue a determination of approval.



Suite 1204B, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000

info@mecone.com.au

mecone.com.au