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URBIS

LOCKWOOD ROAD DATA CENTRE

Scoping Report

Prepared for

DIGITAL REALTY (AUSTRALIA)

19 May 2021

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1. INTRODUCTION

This Scoping Report has been prepared by Urbis on behalf of Digital Realty, the Applicant for this development. This Scoping Report constitutes a request for Secretary's Environmental Assessment Requirements (**SEARs**) to guide the preparation of an Environmental Impact Statement (**EIS**) that will accompany a State Significant Development Application (**SSDA**).

Digital Realty is exploring the staged construction and operation of a Data Centre facility. The built form of the Project would be a four-storey building up to 24.8 metres in height. The Project would be undertaken on the land currently legally designated as Lot 10 in Deposited Plan 1261354, locally identified as 68-124 Lockwood Road, Erskine Park. The existing site however was granted approval on the 02 October 2020 to subdivide the lot into two Torrens Title lots under DA20/0493 by Penrith City Council (**Council**) to create proposed lots 101 and 102. The Project will occupy proposed lot 102 which will have a finalised Lot and DP number and address once the plan of subdivision has been formally registered (refer to **Figure 3**).

Broadly, the project involves the staged construction of an industrial building for use as a Data Centre which would operate on a 24-hour, seven day a week basis, which includes:

- Construction of administration and office building and four (4) storey Data Centre facility;
- Construction of plant room;
- Installation of substation;
- Fit-out of building;
- Construction of hardstand, loading and carparking;
- High voltage electrical switchyard;
- 72 generators and associated fuel tanks;
- Landscaping works; and
- Signage.

The Project seeks to provide a critical piece of infrastructure to the expanding digital economy through the provision of a facility for the purpose of data storage.

Figure 1 – Regional Context



Source: Urbis

Pursuant to Section 4.36(2) of the Environmental Planning and Assessment Act 1979 (**EP&A Act**):

(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development

The proposal is State Significant Development (**SSD**) under Section 4.36 of the EP&A Act as the development has a capital investment value (**CIV**) in excess of \$50 million and involves development for the purpose of a storage premises used for the storage of data and related information technology, under Schedule 1, Clause 25 of the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*.

It is noted that the State government has recently gazetted amendments to the SSD thresholds for development of Data Centres, which are now to be measured from CIV to total power consumption. For Data Centres, a temporary threshold change to SSD will be \$50 million CIV to 10 megawatts total power consumption (which roughly equates to a CIV of \$40 million) for a two-year period, then to 15 megawatts after that. It is noted these changes will formally come into effect from 1 June 2021.

Context of the site within the wider Fitzpatrick Industrial Estate is provided below in **Figure 2**.

Figure 2 - Fitzpatrick Industrial Estate Masterplan (As of July 2019)



Source: Fitzpatrick

Under the provisions of *Environmental Planning and Assessment Regulation 2000 (EP&A Regs)*, Schedule 2, Clause 7 there is a requirement to analyse any feasible alternatives to the proposed manner of carrying out the development, including the consequences of not carrying out the development.

The proposal seeks to ensure the development is sited to achieve the following:

- Compatible with surrounding development and the local context;
- Provide increased operational efficiencies for storage and distribution of data;
- Minimise impact on the environment; and
- Allow for the implementation of suitable mitigation measures, where required.

With the overall project objectives and the above-mentioned objectives in mind, Digital Realty identified project alternatives which were considered in respect to the identified need for the proposal. Each of these options is listed and discussed in the following table.

Table 1 – Project Alternatives

Option	Assessment
Do Nothing	<p>A ‘do-nothing’ approach was ultimately considered, however identified as a non-viable option as it would be contrary to the overall objectives of the proposal, resulting in an underutilised industrial site that is inconsistent with the land use objectives of the <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)</i>. Additionally, if the proposal was not to proceed, it would not increase the volume of data storage available, nor provide for local storage or enhanced resilience through the distributed storage of data which is an increasingly needed and growing service.</p>
Alternative Design	<p>The final siting and design of the proposed Data Centre was resolved through a comprehensive analysis of the site opportunities and constraints, including taking into consideration any existing nearby data halls. A range of options were explored for the site access and building layout. The proposed building layout is able to optimise the site area appropriately, while providing adequate amount of landscaping, is within proximity to two existing Digital Realty data halls, and benefits from good site access. The proposed access from Lockwood Road was considered the optimal location and was supported by Penrith City Council with the approval of DA19/0818.</p> <p>The proposal is justified on the basis that it is compatible with the locality in which it is proposed, resulting in economic benefits and can achieve the overall project objectives, while managing and mitigating environmental impacts.</p>
Proposed Design	<p>The overall site was strategically selected within an industrial estate in accordance with WSEA SEPP. It has low ecological, heritage and archaeological value. It is located far from residential accommodation. It also benefits from excellent access to the motorway network, existing and planned utility services infrastructure and other employment generating uses with a similar scale and character. All potential environmental impacts concerning the proposal are able to be suitably mitigated, in particular noise and visual impacts. More importantly, Digital Realty has two existing data centres operating within proximity of the site. Accordingly, the current site and design was considered the most viable for the proposed data centre development.</p> <p>The proposed development is based upon a standardised proprietary design. This design has been prepared with a view to the construction of a similar layout building in geographically distinct locations. The advantages of this approach are a reduction in design costs, site familiarity for staff from other locations, and the ability to take advantage of economies of scale through the procurement of standardised data storage hardware in data halls.</p> <p>While other arrangements and designs for the proposed development are possible, the proposed arrangement is deemed optimal for this location based</p>

Option	Assessment
	upon functionality, long term financial viability, off-site amenity impacts and architectural merit.

It is to be noted that site preparation works including earthworks (cut and fill) to create level building pads, stormwater, and temporary sediment basins are currently underway at the site having been approved by Council under DA19/0818 in November 2019. A concurrent application, DA19/0817 was lodged and approved by Council for an artificial wetland to support the future use of the site for industrial purposes, allowing stormwater runoff from the site to be conveyed to the E2 Environmental Conservation corridor to the sites east.

To support the request for SEARs, this Scoping Report provides the following:

- An overview of the site and context;
- A description of the proposed development;
- An overview of the relevant statutory and strategic framework; and
- An overview of the likely environmental and planning impacts.

Preliminary concept plans prepared by Greenbox accompany the Scoping Report. These plans will be refined during the preparation of the EIS, including further detailed investigations and assessment of key issues identified within the SEARs.

In accordance with the Department of Planning, Industry and Environment's (DPIE) new protocol of conducting 'scoping meetings' prior to formal lodgement of SEARs, a meeting was held on 8 April 2021 with key Departmental staff to discuss the proposed development. Similarly, a Pre-DA meeting was held with member of Penrith City Council to further discuss the application on the 29 April 2021. This satisfies the requirement for a 'scoping meeting'.

2. STRATEGIC CONTEXT

2.1. STRATEGIC ALIGNMENT

Data Centres are facilities for storing and processing large quantities of electronic data on computer servers. Almost all businesses and governments use data centres, building their own, renting space in co-location facilities or using cloud services that rely on Data Centres. Data Centres are playing an increasingly important role in NSW with each Data Centre development directly contributing as much as \$1 billion in construction and fit-out costs to the NSW economy and forming a critical infrastructure for the information technology sector.

As noted within the DPIE's March 2021 *Building Business Back Better* the need for data centres has been growing since the invention of the internet. Recently, digital trends and technological advancements, such as the Internet of Things, 5G and cloud computing, have driven exponential growth. The COVID-19 pandemic has sped up this demand, with remote working and onshoring trends creating the need for more data storage and processing. As such the NSW Government is currently considering amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* that would simplify the process for complying development on employment lands. Specifically, for Data Centres this would involve:

- Introduction of a CDC pathway to be facilitated with new technical standards and a new definition for Data Centres added to the *Standard Instrument—Principal Local Environmental Plan*, and an update Division 3 'Data Storage' of the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*;
- Requirement for a noise compliance certificate and be designed so that they do not trigger the threshold criteria for potentially hazardous development, designated development, or an Environmental Protection License (**EPL**); and
- Building standards to align with the requirements in the Codes SEPP for Industrial and Commercial buildings, and if in a Business Zone, set out in a proposed a new design guide.

Whilst these intended changes will not be in effect prior to the lodgement of this SSSA, the intended changes have highlighted the importance of Data Centres and the increasingly important role they can and are able to play in our economy. Thereby it is Digital Realty's ambition to deliver this increasingly important piece of digital infrastructure as rapidly as possible.

In addition to the above proposed changes, the Project also directly aligns with a number of strategic planning policies and guidelines that will be considered further within the EIS, these include:

- *NSW Premier's Priorities*;
- *Greater Sydney Region Plan: A Metropolis of Three Cities*;
- *Our Greater Sydney 2056: Central City District Plan*; and
- *Future Transport Strategy 2056*.

It is requested these strategies and any additional strategies to be addressed are confirmed by the DPIE within the provided SEAR's. The EIS will highlight the Projects consistency with the relevant planning strategies and district plans.

2.2. THE SITE

The street address is currently 68-124 Lockwood Road, Erskine Park, however this is subject to change upon the plan of subdivision approved under DA20/0493 being formally registered with the Land Registry Services. Similarly, the legal description is currently Lot 10 DP 1261354, however this is also subject to change. As earthworks are still being undertaken at site, a site survey showing the geographic features and contours of the site is yet to be undertaken. This will be done at the completion of the earthworks and prior to lodgement of the SSSA. For clarity on the finished site levels and installed infrastructure the approved plans under DA19/0818 are provided as **Appendix C**. An insert of the approved Plan of Subdivision under DA20/0493 is provided below in **Figure 3**, whilst a Site Location Map is provided below in **Figure 4**.

Figure 3 – DA20/0493 Approved Plan of Subdivision

- (A) EASEMENT FOR OVERHEAD POWERLINES 35 WIDE (AB35355)
- (AA) LAND EXCLUDES MINERALS. SEE CROWN GRANT.
- (C) RESTRICTION ON THE USE OF LAND (DP112947)
- (CC) RESERVATIONS AND CONDITIONS IN THE CROWN GRANTS.
- (E2) EASEMENT FOR PADMOUNT SUBSTATION 5.5 WIDE (A1964433)
- (E10) EASEMENT FOR PADMOUNT SUBSTATION 5.5 WIDE
- (ES1) EASEMENT FOR SERVICES VARIABLE WIDTH (TO BE RELEASED)
- (RW1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (TO BE RELEASED)
- (EW1) EASEMENT TO DRAIN WATER VARIABLE WIDTH (TO BE RELEASED)
- (EW2) EASEMENT TO DRAIN WATER 20.68 WIDE & VARIABLE WIDTH (TO BE RELEASED)
- (EW3) EASEMENT TO DRAIN WATER 8.8 WIDE & VARIABLE WIDTH (DA 18/0549 BID RETENTION SWALE) (TO BE RELEASED / REALIGNED ONCE STORMWATER SYSTEM IS PIPED)
- (EW4) EASEMENT TO DRAIN WATER VARIABLE WIDTH
- (DA 18/0549 CHECK DAM – WITHIN CONSERVATION AREA)
- (EW5) EASEMENT TO DRAIN WATER VARIABLE WIDTH (PART OF SEPERATE DA – WITHIN CONSERVATION AREA)
- (EW6) EASEMENT TO DRAIN WATER 3.5 WIDE (WITHIN CONSERVATION AREA)
- (EW7) EASEMENT TO DRAIN WATER 3.5 WIDE
- (EW8) EASEMENT TO DRAIN WATER 3 WIDE
- (F) EASEMENT FOR TRANSMISSION LINE (U399609)
- (F2) RESTRICTION ON THE USE OF LAND (A1964431)(SITE)
- (F10) RESTRICTION ON THE USE OF LAND (FIRE RESTRICTION ZONE)
- (HH) PLANNING AGREEMENT PURSUANT TO S93H ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979. AD145179
- (JJ) RESTRICTION ON THE USE OF LAND
- (KK) POSITIVE COVENANT
- (LL) EASEMENT TO DRAIN WATER VARIABLE WIDTH
- (VPA) AREA AFFECTED BY VOLUNTARY PLANNING AGREEMENT (AN687421)
- (Y) EASEMENT FOR TRANSMISSION LINE 121.92 WIDE (GOV. GAZ 16-10-64 - J924492)
- (Z) EASEMENT FOR TRANSMISSION LINE 60.96 WIDE & VARIABLE WIDTH (DP153614)

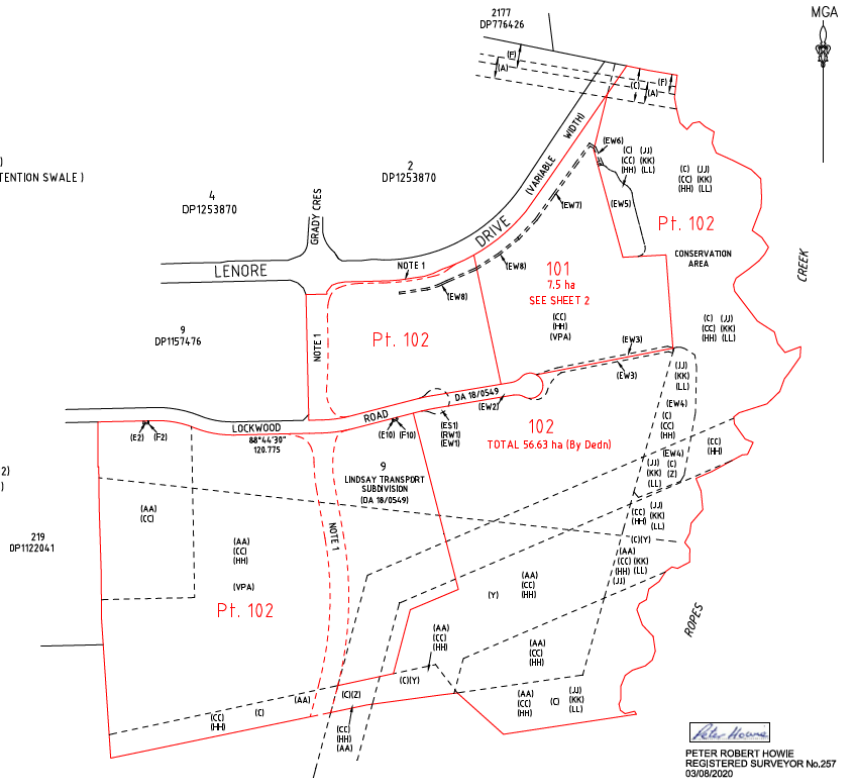
NOTE 1:
 *WESTERN NORTH-SOUTH LINK ROAD - UNDER CONSTRUCTION
 CURRENTLY PT. 102 AREA 23,505m²
 TO BE KNOWN AS DP1261030 UPON REGISTRATION OF DEPOSITED PLAN
 WITH NSW LAND REGISTRY SERVICES (LTS LOCKLEY SURVEYORS).

PENRITH CITY COUNCIL

COUNCIL DOES NOT ATTEST TO THE ACCURACY OF DETAILS IN PLANS

This plan / document relates to Development Consent: **DA20/0493**

Subject to the conditions outlined in the consent



Source: Penrith City Council

The site is an irregular shaped 7.5-hectre (**ha**) lot bounded to the north by Lenore Drive and to the east by a zoned E2 Environmental Conservation corridor that follows Ropes Creek. The site is located within the Fitzpatrick Industrial Estate, which comprises approximately 140-ha of land on Lenore Drive, in an area defined as the Erskine Business Park. The site relies upon access from a cul-de-sac at the eastern end of Lockwood Road which was approved to extend to the site under DA15/0843. At the time of writing the road extension was nearing completion.

The site was previously a vacant lot, however, was approved for bulk earthworks and stormwater infrastructure instillation to facilitate level pads to accommodate future industrial development via DA19/0818 which was granted development consent on 15 September 2020. The ultimate stormwater strategy for proposed Lot 101, the abutting site to the west, was granted development consent under DA19/0817 which allows for an artificial waterbody for detention storage and tertiary water quality treatment prior to discharge into Ropes Creek.

As a result of this approval, a drainage easement was created to benefit proposed Lot 102 and burden proposed Lot 101 to ensure that land to the west of proposed Lot 101 can drain to the proposed detention basin. The extent of this easement is outlined within the accompanying DA19/0818 approved plans within **Appendix C**.

The subject site, as with the rest of the Erskine Business Park, is well located in the context of Western Sydney and the M4 and M7 Motorway. The Erskine Business Park forms part of the Western Sydney Employment Area (**WSEA**), as identified under the WSEA SEPP by the DPIE, due to the area’s strategic importance within the Sydney Metropolitan Area. The area provides a central location for employment generating activities whilst providing strong links with the major transportation infrastructure to facilitate the movement of goods regionally, nationally, and internationally.

Figure 4 – Site Location Map



Source: Urbis

The surrounding land use activities include the following:

- **North:** the site is bounded to the north by Lenore Drive and the adjacent AutoNexus, a provider of automotive logistics and supply chain solutions. Further afield is the Erskine Park residential area.
- **East:** Ropes Creek adjoins the site to the east, this is zoned E2 – Environmental Conservation, an artificial wetland was established to support the industrial use of the site which results in stormwater runoff being conveyed to the E2 corridor.
- **South:** The Sydney Catchment Authority Pipeline is located approximately 540 metres to the south.
- **West:** Proposed Lot 101 and the remainder of the Fitzpatrick Industrial Estate are the surrounding land uses to the west, these include a variety of warehouse and logistics land uses.

Figure 5 – Regional Context Map



Source: Urbis

Clause 29 within the WSEA SEPP states the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangement has been made to contribute to the provision of regional transport infrastructure and services. This clause applies to the site.

On 30 August 2018, a voluntary planning agreement (SVPA-2017-8407) was executed between the DPIE and the Fitzpatrick Industrial Estate. This VPA outlines the satisfactory arrangements agreed between the two parties, which includes a dedication of the north-south link road. The VPA required Fitzpatrick Industrial Estate to make development contributions in connection with the industrial estate development based on the contribution rate of \$189,716 per hectare of Net Developable Area of the Subject Land for the purposes of the provision of regional transport infrastructure and services as referred to in clause 29 of the WSEA SEPP.

A copy of the executed VPA is attached to this scoping letter as **Appendix D**.

3. PROJECT

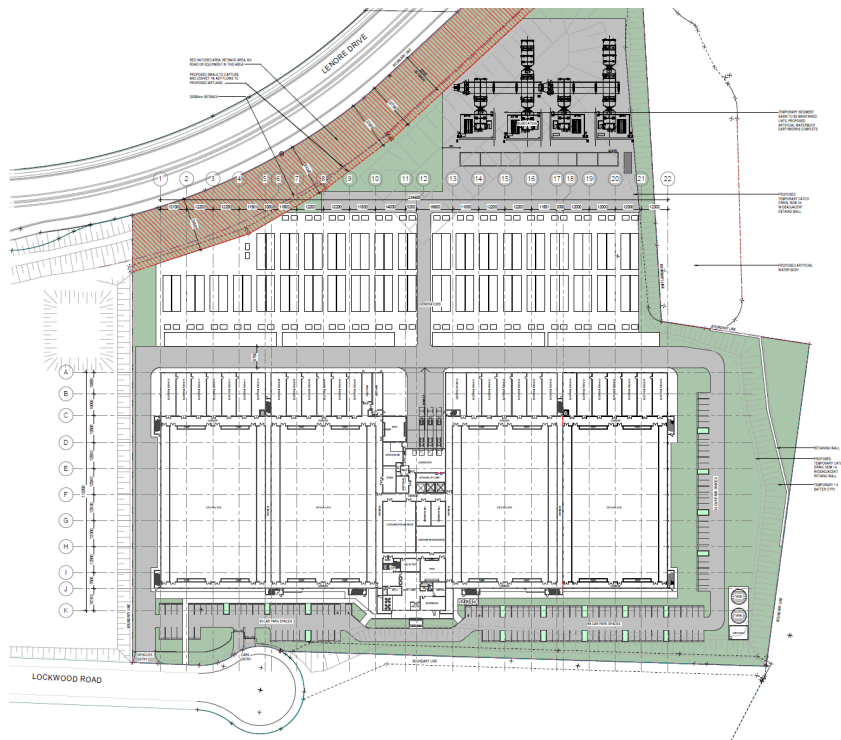
The proposed development comprises a Data Centre at 68-124 Lockwood Road, Erskine Park.

The development is outlined in **Table 2** and project area detailed in the Preliminary Site Plan at **Figure 5**. Concept plans of the proposed development are provided in **Appendix B**.

Table 2 – Overview of the Proposed Development

Element	Proposed
Land Use	<ul style="list-style-type: none"> Data Centre
Project Area	<ul style="list-style-type: none"> 7.5-ha
Site Preparation	<ul style="list-style-type: none"> Site preparation works have previously been approved by Council under DA19/0818 and have commenced including earthworks (cut and fill) to create level building pads, stormwater, and temporary sediment basins
Construction Summary	<ul style="list-style-type: none"> A staged construction operating over a period of 12 months
Access and Parking	<ul style="list-style-type: none"> Site access is provided via Lockwood Road 160 parking spaces with provision for temporary parking for visitors in proximity to the building entrance
Gross Floor Area	<ul style="list-style-type: none"> Data Centre – 55,500m² Ancillary Office Space – 8,100m²
Building Height	<ul style="list-style-type: none"> 24.8 metres
Hours of Operation	<ul style="list-style-type: none"> 24-hour, seven day a week

Figure 6 Preliminary First Floor Plan



Source: Greenbox, 2021

3.1. ALTERNATIVES CONSIDERED

The final design is still in preliminary form and may change following further investigations and consultation, during the SSDA process. As noted above in **Table 1** the proposal has been through a number of design and location considerations to date.

Given the increasingly important role the digital economy is playing in NSW, issues in relation to speed and security are becoming increasingly relevant. As a result, organisations are placing restrictions on the physical location in which certain digital information may be stored. In light of these sensitivities, Digital Realty has identified the need for the construction of a large-scale Data Centre in NSW, specifically Sydney. In order to select a specific site, a set criterion was applied to identify the most appropriate location, these included:

- Location within the Sydney basin;
- Proximity to key and future customers (such as the future Western Sydney Airport);
- Within a suitably sized and serviced parcel of land;
- Close to existing optic fibre infrastructure;
- Proximity to key transport infrastructure; and
- A location with low amenity impacts to sensitive receivers.

The site selection process considered a number of alternatives within Western Sydney; however, the proposed location has been deemed the best available option given the above criteria.

4. STATUTORY CONTEXT

The site is located within the Penrith Local Government Area (**LGA**). As such, the relevant Acts and environmental planning instruments (**EPIs**) relating to the site and relevant considerations for the SSDA are as follows:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**).
- Biodiversity Conservation Act 2016 (**BC Act**).
- State Environmental Planning Policy (State and Regional Development) 2011 (**SRD SEPP**).
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (**WSEA SEE**).
- State Environmental Planning Policy (Infrastructure) 2007 (**ISEPP**).
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (**Vegetation SEPP**).
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (**SEPP 33**).
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**).
- Penrith Local Environmental Plan 2010 (**PLEP 2010**).

The key statutory requirements that are relevant to the site and the project are summarised in **Table 3**.

Table 3 Summary of Key Statutory Requirements

Matter	Guidance
Power to grant consent	<p>The EP&A Act establishes the framework for the assessment and approval of development and activities in NSW. The EP&A Act also facilitates the making of environmental planning instruments which guide the way in which development should occur across the State, this is inclusive of State environmental planning policies and local environmental plans.</p> <p>Section 4.36 of the EP&A Act provides for a process where development can be declared SSD either by a SEPP or Ministerial order published in the Government Gazette. Section 4.37 of the EP&A Act provides that the Minister is the consent authority for SSD. Part 4, Division 4.7 of the EP&A Act sets out the provisions which apply to the assessment and determination of development applications for SSD. The proposal is subject to section 4.38 Consent for State Significant Development.</p>
Permissibility	<p>The site is currently located on land to which the WSEA SEPP applies. The WSEA SEPP provides a framework to guide the efficient release and development of employment lands. The WSEA SEPP zones the land and establishes core development controls and design principles as well as setting the framework for regional infrastructure contributions.</p> <p>The site is zoned IN1 General Industrial and E2 Environmental Conservation under the WSEA SEPP. The future development footprint is captured entirely within land zoned IN1. Development for the purpose of a Data Centre is permissible with consent within the IN1 General Industrial zone pursuant to the provisions outlined within Part 3, Division 3, clause 27 of the ISEPP.</p>
Other approvals	Fisheries Management Act 1994

Matter	Guidance
	<p>Given the project does not involve any dredging or reclamations, or works in proposed waterways, a permit under sections 201, 205 or 219 of the <i>Fisheries Management Act 1994</i> is not required.</p> <p>Heritage Act 1977</p> <p>No non-Indigenous items were identified on or in proximity to the according to the WSEA SEPP Heritage Map and/or the NSW State Heritage Register. The Project is unlikely to impact non-Indigenous heritage items.</p> <p>As such an approval under Part 4, or an excavation permit under Section 139 of the <i>Heritage Act 1977</i> is not required.</p> <p>National Parks and Wildlife Act 1974</p> <p>An assessment of the Projects likely impact to any Indigenous sites or artefacts at the site has previously been assessed by Council under DA19/0818. Given earthworks have commenced at the site there is considered to be low potential for previously unidentified Aboriginal artefacts to occur within the project site. Any potential impacts to Aboriginal heritage will be further considered within the EIS.</p> <p>As such, it is not anticipated an Aboriginal Heritage Impact Permit under section 90 of the <i>National Parks and Wildlife Act 1974</i> will be required.</p> <p>Rural Fires Act 1997</p> <p>Pursuant to section 4.41 of the EP&A Act, SSD is exempt from the need for a bushfire safety authority under section 100B of the <i>Rural Fires Act 1997</i>.</p> <p>Water Management Act 2000</p> <p>The Project would not involve taking of groundwater during construction works (aquifer interference). During the preparation of the EIS an assessment of potential impacts to surface or groundwater would be undertaken.</p> <p>Pursuant to section 4.41 of the EP&A Act, SSD is exempt from requirements for a water use approval (section 89), a water management work approval (section 90) or an activity approval (other than an aquifer interference approval) (section 91) of the <i>Water Management Act 2000</i>.</p> <p>Protection of the Environment Operations Act 1997</p> <p>Schedule 1 section 17(1A) of the POEO Act notes:</p> <p><i>"this clause does not apply to the generation of electricity by means of electricity plant that is emergency stand-by plant operating for less than 200 hours per year"</i></p> <p>Digital Realty anticipates that generators will be tested for 5-hours per year, with four generators running concurrently during maintenance periods. The anticipated run time forecast will be 90-hours for planned maintenance. This testing regime will ensure that a buffer is maintained for unplanned outages</p>

Matter	Guidance
	<p>and that the emergency stand-by plant will operate for less than 200hrs per year, thereby mitigating against the need for an EPL.</p> <p>Roads Act 1993</p> <p>Section 138 of the Roads Act requires the consent of the relevant roads authority Penrith City Council or NSW Roads and Maritime Services (RMS) for work in, on, under or over a public road.</p> <p>Any works proposed to a public road as part of the proposal would require the consent of the relevant road authority. Given no works are proposed to public roads, no approval is required under section 138 of the <i>Roads Act 1993</i>.</p>
<p>Pre-conditions to exercising the power to grant approval</p>	<p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>SEPP 55 requires the consent authority to consider whether the subject land of any rezoning or development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, the consent authority must be satisfied that the land can and will be remediated before the land is used for that purpose.</p> <p>Contamination issues across the broader Fitzpatrick Estate lands were considered and resolved as part of a previous development consent, DA06/1646. A Validation Report dated 2007 outlined remediation works required and confirmed that the estate lands could be made suitable for future industrial uses. A later Validation Report was commissioned subsequent to remediation. This was dated November 2008. This report confirmed that the risk of contamination of the site was greatly reduced following the remediation works.</p> <p>Given the site has commenced earth and site preparation works, as approved under DA19/0818, contamination is an unlikely issue having been addressed by Council in the assessment of DA19/0818. Despite this, contamination will be further considered within the EIS to highlight the suitability of the site for the proposed use, including commentary on the fill that has been brought onto site during the fill works.</p>
<p>Mandatory matters for consideration</p>	<p>Biodiversity Conservation Act</p> <p>In accordance with section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), an SSDA is required to be accompanied by a biodiversity development assessment report (BDAR). However, a BDAR waiver may be granted should it be determined by DPIE and the DPIE Biodiversity Conservation Division that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>Given the site has previously been cleared of any vegetation and earth and site preparation works have commenced as per DA19/0818, the Project area has been historically cleared and no remnant vegetation is present. Vegetation currently present within the area is the E2 Environmental Conservation corridor to the sites east or is restricted to native and exotic landscaping species.</p>

Matter	Guidance
	<p>Similarly, the Fitzpatrick Industrial Estate has previously been the subject of a Biodiversity Management Plan (prepared by Kevin Mills and Associates) and a Voluntary Planning Agreement which has resulted in the Erskine Park Biodiversity Corridor. This is in place to offset the losses in biodiversity from the overall development of the Estate lands and forms part of the Ropes Creek riparian corridor.</p> <p>On the basis of the above, an application for a BDAR waiver will be submitted for the Project. Should EES and DPIE determine that a BDAR waiver is acceptable the method of assessment for biodiversity nominated in the SEARs would reflect the BDAR waiver.</p>
	<p>State Environmental Planning Policy (State & Regional Development) 2011</p> <p>The SRD SEPP identifies certain types of development as SSD. Schedule 1 clause 25 'Data storage' of the SRD SEPP (as amended under <i>State Environmental Planning Policy Amendment (Data Storage) 2019</i>) states the following constitutes as a state significant development:</p> <p><i>Development for the purpose of storage premises used for the storage of data and related information technology hardware that has a capital investment value of more than \$50 million and includes development that is the subject of the following development applications—</i></p> <ul style="list-style-type: none"> <i>a) development application SSD-9741 in respect of the Lane Cove West Data Centre at 1 Sirius Road, Lane Cove West,</i> <i>b) development application SSD-10330 in respect of the Roberts Road, Data Centre at 17 Roberts Road, Eastern Creek.</i> <p>The proposal and this SSD application has been specifically declared as SSD in accordance with Schedule 1 clause 25 of the SRD SEPP as amended under <i>State Environmental Planning Policy Amendment (Data Storage) 2019</i>.</p>
	<p>State Environmental Planning Policy (Western Sydney Employment Area) 2009</p> <p>The primary environmental planning instrument applying to the site is the WSEA SEPP in which the site is zoned IN1 General Industrial. Under the ISEPP (as amended under <i>State Environmental Planning Policy Amendment (Data Storage) 2019</i>), IN1 General Industrial is a prescribed zone and Data storage are permitted with consent within the IN1 zone:</p> <p><i>1.1 State Environmental Planning Policy (Infrastructure) 2007</i></p> <p><i>Division 3 Data storage</i></p> <p><i>27 Development permitted with consent</i></p> <ul style="list-style-type: none"> <i>1) Development for the purpose of storage premises used for the storage of data and related information technology hardware may be carried out by any person with consent on land in a prescribed zone.</i>

Matter	Guidance
	<p data-bbox="539 226 770 255">2) <i>In this clause—</i></p> <p data-bbox="584 282 1406 351"><i>prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones—</i></p> <ul style="list-style-type: none"> <li data-bbox="699 380 1066 409">a) <i>B5 Business Development,</i> <li data-bbox="699 439 1018 468">b) <i>B6 Enterprise Corridor,</i> <li data-bbox="699 497 963 526">c) <i>B7 Business Park,</i> <li data-bbox="699 555 1011 584">d) <i>IN1 General Industrial,</i> <li data-bbox="699 613 975 642">e) <i>IN2 Light Industrial,</i> <li data-bbox="699 672 994 701">f) <i>IN3 Heavy Industrial.</i> <p data-bbox="488 730 1422 799">The proposed development is consistent with the aims of the WSEA SEPP, as summarised below:</p> <ul style="list-style-type: none"> <li data-bbox="488 828 1414 1043">▪ The proposal seeks to develop the site for an employment-generating use consistent with the Greater Sydney Region and District Plans and deliver social and economic outcomes for Western Sydney. More importantly, the proposal is an essential infrastructure to support technological evolution and the ongoing demand for internet usage and data storage across the Sydney region. <li data-bbox="488 1072 1414 1176">▪ The careful siting and design of the proposed development, including built form and landscaping, will respect the natural features of the site and the surrounding locality. <li data-bbox="488 1205 1321 1308">▪ The proposed development will be undertaken in an ecologically sustainable manner and will incorporate a number of sustainability development measures. <p data-bbox="488 1344 1222 1373">State Environmental Planning Policy (Infrastructure) 2007</p> <p data-bbox="488 1402 1422 1543">The site is zoned IN1 General Industrial under WSEA SEPP. Under the ISEPP (as amended under <i>State Environmental Planning Policy Amendment (Data Storage) 2019</i>), IN1 General Industrial is a prescribed zone and Data storage are permitted with consent within the IN1 zone.</p> <p data-bbox="488 1572 1414 1713">The proposal seeks to deliver a total of 55,500m² of industrial floor space and 8,100m² of ancillary office space. As such, the Proposal is identified as 'traffic generating development' in accordance with clause 104 of the ISEPP, as it provides over 8,000m² of data floor space.</p> <p data-bbox="488 1742 1394 1812">A referral to the NSW RMS is required to assess the potential impacts to the regional road network.</p> <p data-bbox="488 1848 1369 1917">State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</p> <p data-bbox="488 1946 1401 2002">The aims of the Vegetation SEPP are to protection to biodiversity values of tress and other vegetation in non-rural areas of the State and to preserve the</p>

Matter	Guidance
	<p>amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>An initial assessment has been carried out that indicates the development would not take place in an area of significant biodiversity value, nor would it have a significant direct or indirect effect on biodiversity values such as threatened species or ecological communities, or other values prescribed in the <i>Biodiversity Conservation Regulation 2017</i>. As such it is considered unlikely that that Project would have a significant impact on any biodiversity values as prescribed in the <i>Biodiversity Conservation Regulation 2017</i>.</p> <p>On the basis of the above, an application for a BDAR waiver will be submitted for the Project. Should EES and DPIE determine that a BDAR waiver is acceptable, the method of assessment for biodiversity nominated in the SEARs would reflect the BDAR waiver.</p>
	<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <p>To facilitate the operation of the Data Centre, there will be some small portions of diesel fuel stored on-site to service the back-up generators. In addition, other dangerous goods, such as nitrogen and aerosols, flammable liquids, pest control products and lithium-ion batteries are also stored onsite to support the operation of the data centre.</p> <p>A SEPP 33 assessment report will be undertaken and submitted with the EIS to review the quantity of dangerous goods stored within the site and associated transportation of dangerous goods and assess the proposal against the threshold quantity outlined in ‘Applying SEPP 33’ guidelines.</p>
	<p>SEPP No. 64 – Advertising and Signage</p> <p>SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of the area; provides effective communication in suitable locations; and is of high-quality design and finish.</p> <p>An assessment of the proposed signage against Schedule 1 of SEPP 64 will be included as part of the EIS prepared in support of the SSDA.</p>
	<p>Penrith Development Control Plan 2010</p> <p>The PDCP 2010 supplements the provisions of the WSEA SEPP through detailed planning and design guidelines.</p> <p>Whilst the requirements of the PDCP 2010 are not required to be adhered to for development categorised as SSD, any future design and application will consider the provisions of the PDCP 2010.</p>

5. ENGAGEMENT

5.1. ENGAGEMENT CARRIED OUT

In accordance with the DPIE protocol of conducting 'scoping meetings' prior to formal lodgement of SEARs, a meeting was held on 07 April 2021 via teleconference between the members of the project team and members of the Industry Assessments team at DPIE including:

- Chris Ritchie, DPIE
- Katelyn Symington, DPIE
- Seamus Fitzmaurice, Digital Realty
- Geoff Hudson, Digital Realty
- Stephen Huang, Linesight
- Murray Donaldson, Urbis
- John Booth, Urbis

The key areas of discussion included the following:

- Project brief of the proposed development;
- Discuss the relevant assessment pathway;
- Relevant matters to be considered in the EIS;
- Proposed approach and requirements around engagement; and
- WSEA strategic framework.

In addition to the above meeting, the project team undertook an additional 'Pre-Lodgement' meeting with Penrith City Council on the 29 April 2021. Council provided key matters for consideration in the finalisation of the Project's design package and advice to inform the preparation of the EIS and SSDA to be lodged with the DPIE.

5.2. COMMUNITY VIEWS

The proposed development is realising the objectives of the site's zoning under the WSEA SEPP and is delivering crucial digital infrastructure in line with the DPIE's March 2021 *Building Business Back Better* which emphasises the important role of data centres in NSW's COVID-19 recovery.

Given the sites location away from sensitive receivers and within an operational industrial estate, the development is unlikely to have much community feedback. However, the applicant is committed to ensuring the local community is aware of and can comment on the proposal. This will be achieved through the implementation of an active stakeholder engagement program, as detailed below.

5.3. ENGAGEMENT TO BE CARRIED OUT

Effective engagement with stakeholders and the community will raise awareness of the site's strategic importance in realising the goals of the WSEA. The approach to engagement is in line with the principles of the International Association of Public Participation's (IAP2) Public Participation and DPIE's *Undertaking Engagement Guide*.

Urbis Engagement will engage with the impacted industrial neighbours and affected landowners to understand their feedback on the proposal and its impacts.

To date, the Project Team has met with Penrith Council on 29 April 2021 to address project concerns prior to detailed design being finalised and lodgement of the SSDA. In addition, the following key stakeholders will be consulted as part of the SSDA:

- Department of Planning, Industry and Environment;
- Penrith City Council;
- Transport for NSW;
- Endeavour Energy;
- NBN;
- RFS;

- FRNSW;
- Sydney Water; and
- Surrounding landowners.

6. PROPOSED ASSESSMENT OF IMPACTS

Upon completion of the preliminary detailed due diligence regarding site specific constraints and sensitivities, the following environmental issues have been identified. These issues, which will make up the environmental assessment undertaken within the EIS stage will be confirmed once SEARs have been issued by the DPIE and further detailed as the preparation of the EIS is progressed. Following the completion of the preliminary environmental risk screening, the relevant issues are outlined in the following sections.

6.1. MATTERS REQUIRING FURTHER ASSESSMENT

6.1.1. Amenity

6.1.1.1. Air Quality

The Site is located within the Erskine Business Park business precinct. Surrounding land uses are predominantly warehouse and logistics uses. Major arterial roads including the M4, and M7 Motorway and Lenore Drive lie within a proximal radius of the Site. Roads and heavy vehicles are likely to be the key contributors to the air quality within the local area.

Construction of the Project would influence local ambient air quality, primarily as a result of dust generation and exhaust from plant and equipment. These emissions would be managed through appropriate controls such as the use of water spray carts/vehicles on unsealed surfaces within the construction site and switching off plant and equipment when not in use.

Air quality impacts during operation are anticipated to be minimal, with emissions being restricted to hot air exhaust and on rare occasions exhaust from diesel generators in the event they are used during grid-related power failures or testing. The emissions would pass through necessary abatement systems prior to release and would be minimised where possible.

6.1.1.2. Noise & Vibration

The site is adjacent to a number of warehouse and logistics land uses within the Fitzpatrick Industrial Estate. No existing background data has been investigated to date; however, it is anticipated that the ambient acoustic environment would be influenced by existing activities within the business park and traffic on local road networks and nearby arterial roads.

Noise generated during the construction phase of the Project would be temporary and associated with the construction of the plant and built elements. This would include the movement of materials, equipment, and personnel to and from the site, as well as the operation of machinery within the site.

During operation, noise would be generated mechanical plant and equipment associated with the data centre. This includes evaporative coolers, exhaust fans and the operation of diesel generators (limited to during power failures only).

Vibration impacts from both construction and operation are anticipated to be minor due to the separation of the Project from neighbouring properties and buildings.

The scoping meeting for this Project with the DPIE identified that noise and vibration impact during construction and operation as a key issue. As such a Noise and Vibration Impact Assessment would be prepared for the Project. This assessment would be undertaken in accordance with applicable legislative requirements, policies, and guidelines as outlined within **Appendix A**.

The Noise and Vibration Impact Assessment would address the potential noise and vibration impacts from the Project during construction and operational phases. Baseline monitoring would be used to define the background noise levels and for calculating the applicable noise criteria. The report would model and assess noise emissions and provide a suite of reasonable and feasible recommendations to avoid or mitigate potential impacts.

6.1.1.3. Visual

The Site is located within a distinctly industrial precinct and is adjacent to a number of land uses aligned to the nature of the area including warehouse and logistics facilities. The site is not located adjacent to, or within, an area that is considered to have important landscape or visual features.

Buildings around the site are characterised by a mix of industrial warehouses. This is manifestation of an urban area which is in transition between greenfield to industrial development, as per the vision of the WSEA.

The early works being undertaken at the site, including remediation, bulk earthworks, infrastructure delivery (utility services, stormwater and flood mitigation), have previously been addressed in detail, including consideration of the proposed levels.

A Landscape Character and Visual Impact Assessment Technical Report would be prepared for the Project in accordance with the *Guidelines for Landscape and Visual Impact Assessment* (2013). This would include identification of existing landscape character zones and sensitive visual receivers, and identification of measures to be used to minimise potential visual impacts. The assessment could include photomontages of the operational Project from nominated viewpoints if required.

Construction of the Project would temporarily alter the visual envelope of the surrounding area through the introduction of construction activity, including materials, equipment, workers, and plant/machinery. This would result in temporary affects and would be largely mitigated through appropriate controls such as construction hoarding.

The operation of the Project would result in a change to the local visual environment. The Project would result in the replacement of the bare site with a single four storey building up to 24.8 metres high. Within the initial scoping meeting with the DPIE it has been identified that landscape and visual impacts are a key issue. Similarly, Council noted that the visual prominence of the substation from Lenore Drive was a concern. To assess the impact of the Project on the local urban landscape a Landscape and Visual Impact Assessment will be provided as part of the EIS. This assessment will consider the proposed building and its potential visual impacts when viewed from the surrounding area. The assessment will consider the proposed architectural and landscape treatments of the building and its immediate surrounds.

6.1.2. Biodiversity

6.1.2.1. Terrestrial flora and fauna

The Fitzpatrick Estate has been the subject of a Biodiversity Management Plan (prepared by Kevin Mills and Associates) and a Voluntary Planning Agreement which has resulted in the Erskine Park Biodiversity Corridor. This is in place to offset the losses in biodiversity from the overall development of the Estate lands and forms part of the Ropes Creek riparian corridor.

Whilst there is no biodiversity proposed to be removed as part of this application given all site preparation has previously been undertaken, and biodiversity previously removed at the site was included in the original biodiversity assessment of the Estate lands and the site has been earmarked for industrial redevelopment since the introduction of the WSEA SEPP.

Should trees or other vegetation be identified for removal during the design process that require development consent prior to their removal, the removal of this vegetation would be assessed as part of the development application.

Under Section 7.9 of the BC Act, a biodiversity assessment report (**BDAR**) is required to be prepared for the Project. However, an application for a waiver of the requirement for a BDAR would be made for this project under Section 7.9(2) of that Act.

Notwithstanding, biodiversity will still be considered within the body of the EIS.

6.1.3. Built environment

6.1.3.1. Greenhouse Gas & Energy Efficiency

The Site is located within an existing industrial precinct, which is a significant contributor to daily CO₂ emissions. A result of this cumulative effect would result in the background GHG emission data being relatively higher than would be expected for a more remote location.

The EIS would provide a discussion on GHG impacts as a result of the Project and identify appropriate mitigation measures to reduce those impacts. The EIS would provide an assessment of the energy efficiency of the Project in relation to the National Australian Built Environment Rating System, which provides a star rating system for energy uses of buildings.

6.1.3.2. Infrastructure requirements

The EIS will detail the infrastructure requirements for the Project, this will include information about anticipated supply of utility services including:

- Electricity;
- Water;
- Sewer; and
- Communications.

Consultation would be undertaken with Endeavour Energy to determine the most suitable method to supply the required electricity to the site via the proposed installation of a substation. A Dial Before You Dig assessment would also be carried out as part of the EIS, to determine the locations of other utility supplies.

The need for utility works to support the Project would be identified during the design development and in consultation with relevant providers. The need for any works to adjust utilities will be assessed as required within the EIS.

6.1.3.3. Cumulative impacts

Cumulative impacts may arise in the event that the Project is developed concurrently to other major projects in close proximity. Where this occurs, the combined impacts of both projects may become potentially greater than each project's impacts if they were to occur on their own.

A review of relevant development applications and other major infrastructure project would be undertaken as part of the EIS. This would include review of both state significant projects, as well as local development.

The assessment will also consider the potential for other parts of the broader Fitzpatrick Industrial Estate to be undergoing development at the same time, and the potential for cumulative impacts to arise.

Cumulative impacts associated with this Project are expected to be limited to amenity impacts such as noise, visual amenity and traffic. This will be further confirmed within the relevant chapter of the EIS.

6.1.3.4. Ecologically sustainable development

The EIS will demonstrate the way in which ESD principles have been incorporated into the siting and layout of the proposed Data Centre.

It will also identify potential measures to be implemented in the future building design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water, power, etc.

6.1.4. Access

6.1.4.1. Access to property & Traffic and parking

The site is access via Lockwood Road. Lockwood is a local road that is not a classified road under the *Roads Act 1993*, it is easily accessibly off an arterial road being Lenore Drive, and is within proximity of both the M4 and M7 Motorways.

It is anticipated that during construction there would be a minor, temporary increase in traffic movements. These movements are likely to be negligible in terms of typical traffic movements in the area, given they are already subject to high levels of traffic comprised of light and heavy vehicles.

During operation, the Project would require relatively few vehicle movements. Therefore, the Project is unlikely to introduce significant, ongoing traffic constraints upon the existing network. The Project is not considered to be 'traffic generating development' under Schedule 3 of the Infrastructure SEPP due to its gross floor area and low number of day-to-day traffic movements.

Traffic impacts would be assessed within the EIS. The assessment would comprise of:

- A description of the road network serving the Site;
- Determination of traffic activity associated with the construction and operational phases of the Project;

- A qualitative traffic impact assessment considering construction and operation of the Project;
- Assessment of the proposed parking provisions; and
- Confirmation that the proposed car park, vehicular access and internal circulation arrangements comply with relevant standards.

6.1.5. Hazards and risks

6.1.5.1. Bushfire

The Fitzpatrick Estate lands are mostly identified as being in a 'low' bushfire prone area, although a small strip fronting Lockwood Road is identified as being in a 'buffer' area. under the Penrith City Council LGA - Bush Fire Prone Land Map.

As such a Bushfire Protection Assessment report will be prepared for the site to identify appropriate bushfire risks and protection measures for the Project. Similarly, given the sites nature as a large, isolated building, referral to FRNSW will likely be required. The EIS will address BCA and fire safety compliance to ensure compliance with fire safety can be met.

6.1.5.2. Flooding

The earthworks undertaken at the site under DA19/0818, specifically those undertaken along the eastern boundary of the site, are located outside of the Ropes Creek floodway. However, a small portion of the batter for Site 3 will encroach into the flood storage and flood fringe area. The initial flood assessment carried out by Worley Parsons in 2015 for the entire Fitzpatrick Industrial Estate indicated that the key requirements of Council's DCP for filling of land at or below the Flood Planning Level are met by the proposal. However, further information about flooding impacts was submitted as part of DA19/0818 to address comments raised by Council.

Following the assessment of this information, Council's Engineers confirmed that the proposed filling and retaining wall within the flood storage area would not have any impact on flooding or flood behaviour. Noting the above, given the majority of the site is not within a flood impact area and the previous assessment undertaken to date, the proposal is not anticipated to have any impact as a result of flooding.

Despite this, consideration will be given to the potential threat of mainstream flooding from Ropes Creek, and demonstration of the proposals compatibility with the State Government Floodplain Development Manual and Council's LEP and DCP for Flood Liable Lands within the EIS.

6.1.5.3. Dangerous goods

A search of the NSW EPA contaminated land register identified that the site is not a registered contaminated site, and no registered contaminated sites were located nearby. The site has previously been assessed for earth and site preparation works. This would have included an assessment against the risk of contamination by Council when assessing DA19/0818.

The EIS would include a preliminary risk screening completed in accordance with SEPP 33 – *Hazardous and Offensive Development and Applying SEPP 33* (DoP, 2011). This would consider the class, quantity and location of all dangerous goods and hazardous materials associated with the development. This would include lithium batteries and diesel fuel. Diesel would be stored on site in either underground tanks or within the generator enclosure in double wall self-bunded fuel tanks to run the backup electrical generators during power outages.

6.1.5.4. Waste Management

The Project would generate several waste streams that will require management in accordance with relevant legislation and guidelines.

It is expected that during construction, the primary waste generated would consist of excess building products and onsite material.

Operational waste is likely to be limited to waste associated with human use such as general solid waste from general operation of the facility.

Waste management will ultimately be considered and addressed within the EIS, supported by a Waste Management Plan noting both the construction and operational phases of the Project.

6.1.6. Heritage

6.1.6.1. Indigenous Heritage

A desktop review of existing non-Aboriginal databases and the Aboriginal Heritage Information Management System (**AHIMS**) indicated that no known non-Aboriginal or Aboriginal heritage items occur at the Site.

As the Site has undergone extensive development to date, with earthworks nearing completion and building pads to be installed shortly, the likelihood of uncovering previously undisturbed artefacts is low. The potential for Aboriginal heritage impacts would be considered within the body of the EIS.

6.1.6.2. Non-Indigenous Heritage

Similarly, neither the WSEA SEPP or PLEP 2010 have identified any items of heritage significance in proximity to the site. Whilst not impact is anticipated to any non-Indigenous heritage item, consideration of heritage impact will be undertaken within the EIS.

6.1.7. Land

6.1.7.1. Land use

The site is currently unoccupied, being zoned for IN1 General Industrial land uses and the subject to ongoing site preparation works.

The construction of the Project would temporarily alter the land use of the site to a construction site; however, this would be limited to the construction time frame.

During operation, the land use would change to that of a Data Centre. The operation of the site as a Data Centre would be line with its zoning, and as outlined above, would be broadly consistent with relevant strategic planning goals for the area and region.

The EIS would detail impacts to land use at the site and surrounding properties via assessments of amenity impacts including noise, vibration, landscape, and visual and air quality.

6.1.7.2. Land capability

Contamination issues across the broader Fitzpatrick Estate lands were considered and resolved as part of a previous development consent, DA06/1646. A Validation Report dated 2007 outlined remediation works required and confirmed that the estate lands could be made suitable for future industrial uses. A later Validation Report was commissioned subsequent to remediation. This was dated November 2008. This report confirmed that the risk of contamination of the site was greatly reduced following the remediation works.

To address comments made by Council's Environmental Management Officer within the assessment of DA19/0818, Fitzpatrick, then Applicant at the time submitted further information which stated the following:

- That no material has been imported to the subject site since the date of the investigation, remediation and validation works; and
- That no fill is proposed to be imported for the subject development.

Given that earthworks have already been approved and commenced on site, as well as the instillation of preliminary stormwater infrastructure, the impacts related to soil and contamination are ultimately considered addressed, having previously been assessed by Council under DA19/0818.

A geotechnical assessment is proposed to be prepared to ultimately determine the suitability of the subsurface materials of the Project. The geotechnical assessment would detail information about existing site conditions including the depth and type of bedrock material, and the depth of groundwater if encountered.

6.1.8. Water

The site is located within the Eastern Creek catchment, including Ropes Creek which abuts the site to the east. Surface water generated from the site would drain into the catchments via the existing stormwater system approved under DA19/0817.

During construction and operation of the Project, surface water runoff from the site has the potential to affect Ropes Creek via the stormwater system. During operation, surface runoff would derive primarily from hardstand areas or hard surfaced areas which would then be diverted to the installed stormwater system in DA19/0818. These impacts would be appropriately managed through a number of standard mitigation measures that would be detailed within the EIS. These mitigation measures include appropriate and feasible erosion and sediment controls in accordance with *Managing Urban Stormwater: Soils and construction - Volume 1 'the Blue Book' (Landcom, 2004)*.

The Project would employ evaporative coolers to manage heat within the data halls. The water use of these coolers, and other water requirements, would be considered further within the EIS.

6.1.9. Social & Economic

It is anticipated that the Project would deliver social and economic benefits associated with the delivery of a key piece of infrastructure within an expanding industrial park, in addition to the creation of job opportunities.

The EIS will include a succinct analysis and assessment of the potential social and economic impacts of the proposal. This would include an estimation of employment generation associated with the construction and operational phases, as well as broader economic benefits of this specific development.

6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT

Table 4 summarises the relevant matters that require no further assessment in the EIS.

Table 4 No Further Assessment Requirements

Matter	Justification
Historic Heritage	The site and immediately surrounding area do not contain a heritage item and are not located in an HCA.
Aboriginal Heritage	<p>Consideration of potential non-Indigenous heritage impact has been undertaken at the site under two separate assessment processes. The first being DA06/1646 when consent for the Fitzpatrick Industrial Estate was granted, and secondly during the assessment of DA19/0818. Council considered this when assessing the proposal against Part 7.1 of the PLEP 2010 which requires consideration of a number of factors to ensure that the proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.</p> <p>It is in the intention of the project team to submit a waiver requesting the anticipated ACHA requirement be waived given the previous assessment and highly disturbed nature of the site. The waiver request will be based on the findings of the Aboriginal Due Diligence Assessment, including an assessment of the impact of the earthworks undertaken under DA19/0818.</p>
Social	The site is located within an established industrial precinct and will not generate additional demand for community services and facilities, health facilities, and housing. The proposal seeks to develop a previously unoccupied site that has been granted development consent for earth and site preparation works to further facilitate industrial development.
Biodiversity – Aquatic flora and fauna, conservation areas	The site does not contain aquatic flora and fauna or identified conservation areas.

Matter	Justification
Hazards and Risks - Biosecurity, Flooding, Coastal hazards, Dams, Land movement, Environmental hazards	<ul style="list-style-type: none"> ▪ The site is not identified as flood prone. ▪ The land is not in a coastal area. ▪ The site does not contain a dam. ▪ The existing and proposed operations are not classified as hazardous or offensive development or a biosecurity risk.
Water – Availability and Quality	<ul style="list-style-type: none"> ▪ The site has not been identified as flood prone or at risk under the Penrith Council <i>South Creel Floodplain Risk Management Plan (February 2020)</i> ▪ Stormwater management will be appropriately designed as part of the development to minimise impacts from runoff. ▪ Existing stormwater provisions have been designed and approved under Dal9/0817.
Access – Port, airport, and rail facilities	The site is not within proximity to a port, airport, or rail facility.

7. CONCLUSION

The purpose of this report is to request SEARs for the preparation of an EIS for Data Centre located at 68-124 Lockwood Road, Erskine Park. The Applicant is committed to working with key stakeholders, including State government agencies and Penrith Council to deliver a high-quality development.

This SEARs request outlines the approval pathway for the application, the legislative framework, and the key matters for consideration in the assessment of the application. The EIS will demonstrate how the Project is suitable for the site and the potential environmental impacts can be appropriately mitigated, minimised or managed to avoid any unacceptable impacts.

We trust that the information detailed in this letter is sufficient to enable the Department to issue the SEARs to guide the preparation of the EIS.

DISCLAIMER

This report is dated 19 May 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of DIGITAL REALTY (AUSTRALIA) (**Instructing Party**) for the purpose of Scoping Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

SCOPING SUMMARY TABLE

Table 5 – Scoping Summary Table

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
Detailed	Amenity – air quality	N	General	<ul style="list-style-type: none"> ▪ Protection of the Environment Operations Act 1997 ▪ National environment protection (ambient air quality) measure ▪ Approved methods for modelling and assessment of air pollutants in NSW (and related guidance) ▪ In tunnel air quality (nitrogen dioxide) policy 	Section 6.1.1.1
	Amenity – noise & vibration	N	General	<ul style="list-style-type: none"> ▪ Construction Noise Strategy (Transport for NSW, 2012) ▪ Interim Construction Noise Guideline (Department of Environment, Climate Change and Water, 2009) ▪ NSW Industrial Noise Policy (Environment Protection Authority, 2000) ▪ Rail Infrastructure Noise Guideline (Environment Protection Authority, 2013) ▪ NSW Road Noise Policy (Environment Protection Authority, 2011) ▪ Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006) ▪ German Standard DIN 4150-3: Structural Vibration – Effects of Vibration on Structures ▪ Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006) ▪ Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration (Australian and New Zealand Environment Council, 1990) 	Section 6.1.1.2
	Amenity – visual	N	General	<ul style="list-style-type: none"> ▪ Draft Guidelines for Landscape and Visual Impact Assessment (3rd edition) ▪ Refer to Scoping Report 	Section 6.1.1.3

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
	Water – water quality	N	General	<ul style="list-style-type: none"> ▪ Acid Sulphate Soils Assessment Guidelines (Department of Planning, 2008) ▪ Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (Department of Urban Affairs and Planning and Environment Protection Authority, 1998) ▪ Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom, 2004) ▪ Managing Urban Stormwater: Soils and Construction Volume 2 (Department of Environment and Climate Change, 2008) ▪ Guidelines for Consultants Reporting on Contaminated Sites (Office of Environment and Heritage, 2000) ▪ Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 (Department of Environment and Climate Change, 2009) ▪ Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (Department of Environment and Climate Change, 2008) ▪ Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC / ARMCANZ, 2000) ▪ Using the ANZECC Guidelines and Water Quality Objectives in NSW (Department of Environment and Conservation, 2006). 	Section 6.1.8
	Built Environment – greenhouse gas and emissions estimate	N	General	<ul style="list-style-type: none"> ▪ Refer to scoping report. 	Section 6.1.3.1
Standard	Biodiversity – native	N	General	<ul style="list-style-type: none"> ▪ Commonwealth EPBC 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (Commonwealth of Australia, 2013) 	Section 6.1.2.1

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
	vegetation and native fauna			<ul style="list-style-type: none"> ▪ Commonwealth EPBC 1.2 Significant Impact Guidelines – Actions on, or Impacting upon, ▪ Commonwealth Land and Actions by Commonwealth Agencies (Commonwealth of Australia, 2013) ▪ Commonwealth Department of the Environment – Nationally Threatened Ecological Communities and Threatened Species Guidelines (various) ▪ Commonwealth Department of the Environment – Survey Guidelines for Nationally Threatened Species (various) ▪ Threatened Species Survey and Assessment Guidelines at http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm ▪ NSW Biodiversity Offsets Policy for Major Projects (Office and Environment and Heritage, 2014) ▪ Framework for Biodiversity Assessment (Office and Environment and Heritage, 2014). 	
	Access – road/rail network	N	General	<ul style="list-style-type: none"> ▪ Guide to Traffic Management – Part 3 Traffic Studies and Analysis (Austroads, 2013) ▪ NSW Bicycle Guidelines (RTA, 2003) ▪ Guide to Traffic Generating Developments Version 2.2 (RTA, 2002). 	Section 6.1.4
	Water – hydrological flows (incl flooding)	N	General	<ul style="list-style-type: none"> ▪ Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004) and Volume 2 (A. Installation of Services; B. Waste Landfills; C. Unsealed Roads; D. Main Roads; E. Mines and Quarries) (DECC 2008) ▪ NSW Government’s Floodplain Development Manual (2005). 	Section 6.1.8
	Hazards and risks –	N	General	<ul style="list-style-type: none"> ▪ Hazardous and Offensive Development Application Guidelines: Applying SEPP 33 (DoP 2011) 	Section 6.1.5.2

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
	dangerous goods			<ul style="list-style-type: none"> ▪ International Standard (ISO / IEC 31010) Risk Management – Risk Assessment Technique ▪ Australian Code for the Transport of Dangerous Goods by Road and Rail (7th edition) (National Transport Commission, 2007) ▪ Code of Practice for the Safe Removal of Asbestos 2nd edition (National Occupational Health and Safety Commission, 2005) ▪ Storage and Handling of Dangerous Goods Code of Practice (WorkCover, 2005). 	
	Hazards and risks - waste	N	General	<ul style="list-style-type: none"> ▪ Waste Classification Guidelines (DECCW, 2009) ▪ Refer to Scoping Report 	Section 6.1.5.3
	Hazards and risks - Bushfire	N	General	<ul style="list-style-type: none"> ▪ Rural Fires Act 1997 	Section 6.1.5.1
Minor	Heritage – historic (NAH)	Y	Specific	<ul style="list-style-type: none"> ▪ Commonwealth EPBC 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (Commonwealth of Australia, 2013) ▪ Commonwealth EPBC 1.2 Significant Impact Guidelines – Actions on, or Impacting upon, Commonwealth Land and Actions by Commonwealth Agencies (Commonwealth of Australia, 2013) ▪ NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office, 1998) ▪ Criteria for the Assessment of Excavation Directors (NSW Heritage Council, 2011). 	Section 6.1.6.2
	Heritage – historic (AH)	Y	Specific	<ul style="list-style-type: none"> ▪ National Parks and Wildlife Act 1974 ▪ Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011 	Section 6.1.6.1

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
				<ul style="list-style-type: none"> ▪ Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW 2010 	
	Built Environment - Infrastructure	N	General	<ul style="list-style-type: none"> ▪ Refer to scoping report. 	Section 6.1.3.2
	Built Environment – cumulative impact	N	General	<ul style="list-style-type: none"> ▪ Refer to scoping report. 	Section 6.1.3.3
	Social – community services / facilities	N	General	<ul style="list-style-type: none"> ▪ Refer to Scoping Report 	Section 6.1.9

APPENDIX B

PRELIMINARY CONCEPT PLANS

APPENDIX C

DA19/0818 APPROVED PLANS

APPENDIX D

EXECUTED VOLUNTARY PLANNING AGREEMENT

