Appendix B – Statutory Compliance Table

Statutory Reference	Consideration	Relevance	Section in EIS
Environment Protection and Biodiversity Conservation Act 1999			
Part 3 Objects of Act	*(1) The objects of this Act are:* *(a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and* *(b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and* *(c) to promote the conservation of biodiversity; and* *(d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples; and* *(e) to assist in the co-operative implementation of Australia's international environmental responsibilities; and* *(f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and* *(g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.*	The proposed development has been designed so as to minimise impact on native biodiversity and supports a layered landscape design grounded in Country and formed by the ecology, geology and history of Eastern Creek. The project has been developed in collaboration with Dharug knowledge holders, who provided insights into local cultural landscapes, including Plumpton Ridge tool-making areas, waterways such as Eastern Creek, and significant ecological communities of the Cumberland Plain.	**Section 4**
Environmental Planning and Assessment Act 1979			
Part 1 Preliminary	Section 1.3 Objects of the Act (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*	The proposal is for the purpose of a data centre and will contribute to the technological and economic growth of the LGA and NSW. As detailed in **Section 6** of the EIS, the potential environmental impacts have been interrogated in detail by qualified consultants and where appropriate, measures have been recommended to mitigate and manage potential impacts on the surrounding environment.	**Section 6**

Statutory Reference	Consideration	Relevance	Section in EIS
		The use of the development as a data centre is compatible with the land use and is suitable for the location.	
	(b) to promote the supply, delivery and maintenance of housing, including affordable housing,	Not applicable.	**N/A**
	(c) to promote productivity through the development and management of the State and its resources,	The State Significant Development (**SSD**) application will be assessed and determined by the Minister for Planning or the Independent Planning Commission. Consultation will be held with Blacktown Council and government agencies during the preparation and assessment of the SSDA.	**Section 4**
	(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,	The proposed development has been designed so as to minimise impact on native biodiversity.	**Section 6.5**
	(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,	The proposal incorporates climate-responsive design measures, including robust stormwater management, energy-efficient systems, and resilient building materials. Redundant power supply and fire protection systems ensure operational continuity and resilience to natural hazards.	**Section 6.21**
	(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,	The proposed site is not identified to be of built or cultural heritage significance. Recommendations of the Aboriginal Cultural Heritage Assessment Report (**ACHAR**) (refer to **Appendix DD**) identify no further assessment or mitigation measures are necessary due to the absence of Aboriginal objects.	**Section 6.15**

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Statutory Reference	Consideration	Relevance	Section in EIS
		This is discussed in detail in the EIS.	
	(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,	The proposed design responds to SDRP review comments and advice to promote good design and amenity of the built form. Refer to Architectural Design Report (**Appendix F**) for further details.	**Section 6.1**
	(h) to provide opportunities for participation in environmental planning and assessment,	Community consultation and engagement with relevant stakeholder groups have been undertaken throughout the planning and design process. It is anticipated that further engagement and consultation will occur during the assessment of the SSDA.	**Section 5**
	(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposed data centre has been designed in accordance with the principles of ecologically sustainable development (**ESD**) to address energy and water consumption and waste disposal. The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021*.	**Section 6.20**
	(j) to promote a proportionate and risk-based approach to environmental planning and assessment,	The proposed data centre is capable of complying with the Building Code of Australia (BCA) to ensure the health and safety of users of the site. The proposal will be supported by a range of construction and operational plans of management to ensure the protection of	**Section 6**

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Statutory Reference	Consideration	Relevance	Section in EIS
		the health and safety of its occupants.	
	(k) to promote the orderly and economic use and development of land.	The proposed development is permitted with consent in the IN1 General Industrial land use zone and complies with the overarching land use objectives. The proposed development is compatible with the surrounding development and has been designed to address the relevant planning controls and to minimise any unacceptable impacts on the environment. It is noted that mitigation measures have been put in place to address the overall development during construction and ongoing use.	**Section 6**
Section 4.15 Evaluation	Section 4.15(1) Matters for consideration (a)(i) The provisions of any environmental planning instrument. • *State Environmental Planning Policy (Industry and Employment) 2021* • *State Environmental Planning Policy (Sustainable Buildings) 2022* • *State Environmental Planning Policy (Resilience and Hazards) 2021* • *State Environmental Planning Policy (Planning Systems) 2021* • *State Environmental Planning Policy (Biodiversity and Conservation) 2021* • *State Environmental Planning Policy (Transport and Infrastructure) 2021*	The proposal has been considered in accordance with the relevant environmental planning instruments (EPI) as outlined below in this document. The assessment demonstrates the proposal aligns with the objectives and provisions of the relevant EPIs. Relevant information is provided within the consultant appendices of the EIS.	**Section 4**
	(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),	There are no proposed or publicly exhibited environmental planning instruments applicable to the site or the proposed development.	N/A

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Statutory Reference	Consideration	Relevance	Section in EIS
	(a)(iii) Any development control plan,	Clause 2.10 of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**) states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area Employment lands precinct plan for this SSDA. Notwithstanding this, consideration has been given to the relevant parts of the DCP assessed below in this report.	**Appendix B**
	(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	The site is subject to M7 Business Hub Developer Agreement (2005/4738) which was executed on 25 June 2005. On 31 May 2020, a Satisfactory Arrangement Certificate was issued by the Deputy Secretary, Greater Sydney, Place and Infrastructure as delegate of the Planning Secretary.	N/A
	(a)(iv) The regulations	This EIS has been prepared in accordance with Part 8 Division 5 of the *Environmental Planning and Assessment Regulations 2021* which outlines the requirements for state significant development.	N/A
	(a)(v) Repealed	Not applicable	N/A
	(b) The significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development are assessed in detail within **Section 6** of the EIS.	**Section 6**

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Statutory Reference	Consideration	Relevance	Section in EIS
	(c) The suitability of the site for the development	The suitability of the site for the proposed development is assessed in detail within **Section 7** of the EIS.	**Section 7.5**
	(d) Any submissions made in accordance with this Act or the regulations	Submissions will be considered following exhibition of the application.	N/A
	(e) the public interest	The public's interest in the proposal is demonstrated in **Section 7** of the EIS.	**Section 7.6**
Environmental Planning and Assessment Regulation 2021			
Division 5	Division 5 of the Environmental Planning and Assessment Regulation 2021 which outlines the requirements for State significant development	The EIS has been prepared to address the requirements of Part 8 Division 5 of the *Environmental Planning and Assessment Regulations 2021* and relevant SEARs.	**Appendix B**
Protection of the Environment Operations Act 1997			
Schedule 1	Schedule 1, Part 1, Clause 9 'Chemical Storage' lists petroleum products storage as a scheduled activity, if the proposal includes the "*capacity to store more than 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form)".*	The proposal will include the storage of 3,485 tonnes of diesel storage and 2,994 tonnes of Lithium-ion batteries, which are both over the threshold for petroleum products storage. Therefore, an Environmental Protection License (**EPL**) for Chemical storage is required for the proposal.	**Section 4.4**
	Schedule 1, Part 1, Clause 17 applies to metropolitan electricity works (internal combustion engines). However, Clause 17(1A) notes that this clause does not apply to the generation of electricity by means of electricity plan that is emergency stand-by plan operating for less than 200 hours per year.	Northstar Air Quality has prepared an Air Quality Impact Assessment (refer to **Appendix J**), the assessment notes the proposed back-up generators are not anticipated to exceed the 200-hour limit, on the generation of electricity. Therefore, the criteria for EPL for metropolitan electricity works is not triggered.	**Section 4.4**
Protection of the Environment Operations (Clean Air) Regulation 2022			

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Statutory Reference	Consideration	Relevance	Section in EIS
Part 5 Air impurities emitted from activities and plant—the Act, Sch 2, cl 6B	**43 Group to which activity or plant belongs** (1) An activity carried out, or plant operated, on scheduled premises belongs to— (a) if the carrying on of the activity, or the operation of the plant, commences after the commencement of this Regulation—Group 6, or (b) otherwise—the Group in which the activity or plant belonged immediately before the commencement of this Regulation, except as otherwise provided by this Subdivision.	The Proposal site is considered a non-scheduled activity for electricity generation and a scheduled activity for chemical storage under the POEO Act. The standards of concentration applicable to the proposed development have been identified and assessed within the Air Quality Impact Assessment (**Appendix J**) and Section 6.10 of the EIS and confirms concentration standards can be met. Please note that in accordance with Section 73 of the POEO (Clean Air) Regulation, the proposed back-up generators will be operated cumulatively for less than 200 hours per annum. Therefore, the proposal may be exempt from the air impurity standards for NO2 and NO specified in the Regulation.	**Section 6.9**
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister may (but is not required to) further consider under that Biodiversity Conservation Act 2016 the likely impact of the proposed development on biodiversity values.	A BDAR has been prepared for the proposed development and is provided in **Appendix K**.	**Section 4.5** and **Section 6.5**
State Environmental Planning Policy (Planning Systems) 2021			
Section 2.6 – Declaration of State significant development	Section 2.6 states that *development is declared to be state significant development for the purposes of the Act if -* *(a) The development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and* *(b) The development is specified in Schedule 1 or 2*	In accordance with Schedule 1, Clause 25 of the Planning Systems SEPP, the proposed development is classified ‘state significant development’ as the development is for the purposes of a data centre that has a total power consumption of more than 15 megawatts.	**Section 4.2**

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Statutory Reference	Consideration	Relevance	Section in EIS
Schedule 1, Clause 25	*(1) Development for the purpose of data centres that has a total power consumption of more than the relevant amount.* *(2) In this section—* ***relevant amount** means—* *(a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—10 megawatts, or* *(b) for any other development—15 megawatts.*		
State Environmental Planning Policy (Industry and Employment) 2021			
Chapter 2 - Western Sydney employment area			
2.2 Land to which this Chapter applies	*(1) Except as provided in subsection (2), this Chapter applies to the land identified on the Land Application Map.* *(2) This Chapter does not apply to the land marked "X" that is within the boundary of the land identified on the Land Application Map as the Broader Western Sydney Employment Area.*	The proposed works is located in land mapped within the Land Application Mapped under Chapter 2 Western Sydney employment area.	**Section 4.4**
2.10 Zone objectives and land use table	*(1) The Table at the end of this section specifies for each zone—* *(a) the objectives for development, and* *(b) development that may be carried out without consent, and* *(c) development that may be carried out only with consent, and* *(d) development that is prohibited.* *(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.* *(3) In the Table at the end of this section—* *(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and* *(b) a reference to a type of building or other thing does not*	The site is zoned IN1 General Industrial in accordance with the IESEPP. The proposed development constitutes a 'data centre'. Development for the purpose of a data centre may be carried out with consent on land in this zone as per Clause 2.31 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**TISEPP**) The proposed development is consistent with the zone objectives of IN1 as summarised below: • The proposed data centre is an industrial development with ancillary office space, consistent with the IN1 zone objective to support employment-generating uses including research	**Section 4.4**

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Statutory Reference	Consideration	Relevance	Section in EIS
	include (despite any definition in this Chapter) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone. *(4) This section is subject to the other provisions of this Chapter.* *Zone IN1 General Industrial* *1 Objectives of zone* • *To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.* • *To encourage employment opportunities along motorway corridors, including the M7 and M4.* • *To minimise any adverse effect of industry on other land uses.* • *To facilitate road network links to the M7 and M4 Motorways.* • *To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.* • *To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.*	and technology-based industries. • The site's proximity to the M7 motorway provides strategic access to employment corridors, supporting the generation of local and regional job opportunities. • The development is designed and managed to mitigate environmental impacts, ensuring compatibility with surrounding land uses and minimising any potential adverse effects. • While the development does not provide direct motorway links, it benefits from its location near existing access points, maintaining efficient connectivity to the M7 corridor. • The data centre represents a high-quality development, creating a technology hub with sustainable operations that support nearby enterprises and protect the surrounding environment. • The primary focus of the development is industrial and research in providing a data centre use rather than retail or commercial activity.	
2.14 Demolition requires development consent	*The demolition of a building or work may be carried out only with development consent.*	Consent is requested for the demolition of the building and structures associated with this application.	**Section 3.3.1**
2.17 Requirement for development control plan	*(1) Except in such cases as the Secretary may determine by notice in writing to the consent authority or as provided by section 2.18, the consent authority must not grant consent to development on any land*	The Eastern Creek Precinct Plan Stage 3 DCP is applicable to the land.	**Section 4.6**

Statutory Reference	Consideration	Relevance	Section in EIS
	to which this Chapter applies unless a development control plan has been prepared for that land. *(2) The requirements specified in Schedule 2 apply in relation to any such development control plan.* *(3) For the purposes of section 3.44(3) of the Act, a development control plan that is required by this section may be prepared and submitted by 60% of the owners of the land to which the plan applies.* *(4) The Minister is authorised, for the purposes of section 3.44(5)(b) of the Act, to act in the place of the relevant planning authority in accordance with that section.* *(5) Without limiting subsection (2), if a development control plan is required to be prepared for part of a precinct only, the development control plan must—* *(a) demonstrate the manner in which it integrates with planning for the whole of the precinct, and* *(b) take into account any other development control plans applying to the precinct.* *(6) For the purposes of this section, a development control plan is taken to have been prepared for so much of the land to which this Chapter applies as is identified as the "Erskine Park Employment Area" under the Penrith Development Control Plan 2006 (approved 21 August 2006 and as in force on 15 December 2006).*		
2.18 Existing precinct plans under SEPP 59	*(1) The consent authority may grant consent to development on any land to which this Chapter applies without a development control plan being prepared for that land if the consent authority is satisfied that an existing precinct plan applied to the land immediately before the repeal of State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential.* *(2) In determining a development application that relates to any land to which an existing precinct plan applies, the consent authority is to take the existing precinct plan into consideration.* *(3) In this section, existing precinct plan means any of the following Precinct plans prepared under State Environmental Planning Policy No*	The existing precinct plan Eastern Creek Precinct Plan (Blacktown LGA) approved December 2005 (stage 3) applies to the site. While DCP assessment is not a mandatory control for SSD applications, they serve as a guideline to inform and guide the development in line with Department expectations. Assessment of the proposal was undertaken against the Blacktown	**Section 4.6**

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Statutory Reference	Consideration	Relevance	Section in EIS
	59—Central Western Sydney Economic and Employment Area and in force as at the commencement of this Chapter— *(a) Lot 11 Precinct Plan (Blacktown LGA), approved October 2005,* *(b) Eastern Creek Precinct Plan (Blacktown LGA), approved March 2004 (stages 1 and 2) and December 2005 (stage 3),* *(c) Raceway Precinct Plan (Blacktown LGA), approved 15 November 2006,* *(d) Greystanes Estate Employment Lands Precinct Plan, approved June 2001,* *(e) Former CSIRO Site, Pemulway Employment Land Precinct Plan, approved 20 September 2005.*	Development Control Plan – Eastern Creek Precinct Plan Stage 3. The proposal is generally consistent with the controls set out in the DCP Precinct Plan.	
2.19 Ecologically sustainable development	*The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that the development contains measures designed to minimise—* *(a) the consumption of potable water, and* *(b) greenhouse gas emissions.*	An Ecological Sustainability Report (**Appendix O**) was prepared by LCI Artelia Group as an assessment of energy efficiency of the proposal. The report has identified strategies and initiatives for the design that have been implemented in the design that addresses water use. A separate greenhouse gas assessment report (**Appendix N**) was also prepared by LCI Artelia Group, the report has mentioned the minimisation strategies to meet the emissions standards.	**Section 6.20, 6.21**
2.20 Height of buildings	*The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that—* *(a) building heights will not adversely impact on the amenity of adjacent residential areas, and* *(b) site topography has been taken into consideration.*	The site is not located adjacent to any residentially zoned land. The proposed development has an overall building height of 24.02m. Given the absence of adjoining residential areas, the proposed building height will not result in any adverse amenity impacts on residential uses. The Visual Impact Assessment prepared by Arcadia Landscape Architecture	**Section 6.1**

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Statutory Reference	Consideration	Relevance	Section in EIS
		(**Appendix R**) has been considered in the context of the surrounding locality and the site's topography. Any residual visual impacts are mitigated through the use of articulated building form, landscaping and planting strategies, and the application of colours and materials with muted, natural tones that respond to the site and its setting.	
2.21 Rainwater harvesting	*The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Secretary.*	A rainwater harvesting and reuse strategy has been prepared for the proposed development and is detailed in the Infrastructure Requirements and Utilities Report at **Appendix L** and further discussed in **Section 6.20** of this EIS. The development incorporates a Water Sensitive Urban Design (**WSUD**) approach, including the provision of a 300kL rainwater harvesting tank with an expanded roof catchment area. Rainwater will be collected and reused throughout the year, with approximately 50%of the roof catchment directed to the tank, and the remaining roof runoff discharged to the stormwater network to avoid overflow.	**Section 6.19**
2.24 Public utility infrastructure	*(1) The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.* *(2) In this section, public utility infrastructure includes infrastructure for any of the following—* *(a) the supply of water,* *(b) the supply of electricity,*	An Infrastructure requirements and utilities report has been prepared by LCI Artelia Group refer to **Appendix L**. The assessment notes connection locations and supply of public utility infrastructure is provided to the development with appropriate connection available to the site. Arrangements for Section 73 application with Sydney Water will be undertaken	**Section 6.20**

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Statutory Reference	Consideration	Relevance	Section in EIS
	(c) the supply of natural gas, *(d) the disposal and management of sewage.* *(3) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.*	once the SSDA is lodged.	
2.25 Development on or in vicinity of proposed transport infrastructure routes	*(1) This section applies to any land to which this Chapter applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map.* *(2) The consent authority must refer to the Secretary of the Department of Planning any application for consent to carry out development on land to which this section applies.* *(3) The consent authority must, before determining any such development application, consider any comments made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.*	Section 2.25 of the IESEPP establishes a framework for the regional road network to guide the delivery of future road connections within and surrounding the Western Sydney Employment Area. This provision applies to land that is situated on, or in the vicinity of, a proposed transport infrastructure route illustrated on the 'Transport and Arterial Infrastructure Plan Map'. The site is located approximately 108.36m from Old Wallgrove Road, which is identified as a "proposed infrastructure road" on the Transport and Arterial Infrastructure Plan Map despite the road already being in operation. As such, the consent authority may refer the development to Secretary of Planning, Housing and Infrastructure.	**N/A**
2.26 Exceptions to development standards	*(1) The objectives of this section are—* *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and* *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.* *(2) Consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development*	There are no variations proposed as part of this application.	**N/A**

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Statutory Reference	Consideration	Relevance	Section in EIS
	standard that is expressly excluded from the operation of this section. *(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—* *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and* *(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.* *(4) The consent authority must keep a record of its assessment carried out under subsection (3).* *(5), (6) (Repealed)* *(7) This section does not allow consent to be granted for development that would contravene—* *(a) a development standard for complying development, or* *(b) section 2.29.*		
2.30 Design principles	*In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration whether or not—* *(a) the development is of a high quality design, and* *(b) a variety of materials and external finishes for the external facades are incorporated, and* *(c) high quality landscaping is provided, and* *(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.*	The proposal achieves a high-quality design outcome appropriate to its industrial setting, with building envelopes, articulation and finishes consistent with the established large-format warehousing and utility context at Eastern Creek as documented in the Visual Impact Assessment (**VIA**)(**Appendix R**). The VIA finds that the development reads as an extension of the existing industrial character and results in negligible to low visual change from most public viewpoints, supporting the conclusion that the design quality is suitable for the precinct. The external façades are designed with a coordinated palette consistent with current employment precincts with muted tones,	**Section 6.2**

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Statutory Reference	Consideration	Relevance	Section in EIS
		matte finishes and articulated massing, this is done to minimise contrast and glare and to break down bulk, thereby satisfying the requirement to incorporate a variety of materials and external finishes while maintaining visual cohesion with adjoining developments. High-quality landscaping is integrated along site edges and road interfaces, retaining existing vegetation where practicable and supplementing it with native, year-round screening species to soften the built form, reinforce streetscape character and further diminish visibility over time.	
2.31 Preservation of trees or vegetation	*(1) The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.* *(2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made under Division 3.6 of the Act.* *Note.* *Any such development control plan may prescribe the trees or other vegetation to which this section applies by reference to species, size, location or other manner.* *(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—* *(a) development consent, or* *(b) a permit granted by the Secretary as the relevant planning authority for the purposes of Division 3.6 of the Act.* *(4) This section does not apply to a tree or other vegetation that the relevant council or the Secretary (as the relevant planning authority for the purposes of Division 3.6 of the Act) is satisfied—*	Development consent is sought for tree removal as outlined in Section 6.6 of the EIS and Arboricultural report (**Appendix CC**).	**Section 6.6**

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Statutory Reference	Consideration	Relevance	Section in EIS
	(a) is dying or dead and is not required as the habitat of native fauna, or *(b) is a risk to human life or property.* *(5) This section does not apply to or in respect of—* *(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or* *(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or* *(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or* *(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or* *(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.*		
2.36 Development in areas subject to aircraft noise	*(1) The objectives of this section are as follows—* *(a) to prevent certain noise sensitive developments from being located near the Airport and its flight paths,* *(b) to assist in minimising the impact of aircraft noise from the Airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,* *(c) to ensure that land use and development in the vicinity of the Airport do not hinder, or have other adverse impacts on, the ongoing, safe and efficient operation of the Airport.* *(2) This section applies to development—*	The OLS mapping indicates that the site is within the vicinity of Western Sydney airport and associated flight paths, limiting the maximum height control. The site does not exceed the height limits and are below the OLS. The site is not located within ANEF or ANEC contour of 20 or greater.	**Section 6.8, 6.23**

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Statutory Reference	Consideration	Relevance	Section in EIS
	(a) on land that is— *(i) in the vicinity of the Airport and its flight paths, and* *(ii) in either an ANEF contour of 20 or greater or an ANEC contour of 20 or greater, and* *(b) that the consent authority considers is likely to be adversely affected by aircraft noise.* *(2A) Despite subsection (2), this section does not apply to development on land to which State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4 applies.* *(3) Before determining a development application for development to which this section applies, the consent authority—* *(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and* *(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and* *(c) must be satisfied that the development will meet the indoor design sound levels set out in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015.* *(4) Despite another provision of this Chapter, development consent must not be granted to development on land to which this section applies for the purposes of a place of public worship, a centre-based child care facility or a TAFE establishment or for residential development.* *(5) In this section—* *ANEC contour means a contour on the Australian Noise Exposure Concept Map for the Airport, published on the Department's website.* *ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Airport prepared by the Department of the Commonwealth responsible for*		

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Statutory Reference	Consideration	Relevance	Section in EIS
	airports. *AS 2021:2015 means AS 2021:2015, Acoustics—Aircraft noise intrusion—Building siting and construction.* *(6) For the purposes of this section, a reference to ANEF in AS 2021:2015 is taken to include a reference to ANEC.*		
2.39 Water recycling and conservation	*(1) This section applies to land—* *(a) that is serviced by a water recycling facility, or* *(b) that will be serviced by a water recycling facility as soon as the facility becomes operational.* *(2) A consent authority must not grant consent to the carrying out of development on land unless the consent authority is satisfied that recycled water from the water recycling facility will be provided to the development.* *(3) However, the consent authority may grant consent if it is satisfied that the development will be provided with recycled water from a water recycling or water conservation system approved by the Minister and specified in the Table to this section.*	LCI Group has prepared the ESD Report (**Appendix O**), which addresses the water conservation measures incorporated into the proposed design to minimise resource consumption for the development.	**Section 6.20**
2.40 Earthworks	*(1) The objectives of this section are as follows—* *(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,* *(b) to allow earthworks of a minor nature without separate development consent.* *(2) Development consent is required for earthworks unless—* *(a) the work is exempt development under this Chapter or another applicable environmental planning instrument, or* *(b) the work is ancillary to other development for which development consent has been given.* *(3) Before granting development consent for earthworks, the consent*	Civil Engineering Plans (refer to **Appendix W**) show bulk earthworks on the site will be required to facilitate the development of the site for the proposed data centre. Construction works will be appropriately managed to minimise adverse impacts to neighbouring properties and uses.	**Section 6.10**

Statutory Reference	Consideration	Relevance	Section in EIS
	authority must consider the following matters— *(a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality,* *(b) the effect of the proposed development on the likely future use or redevelopment of the land,* *(c) the quality of the fill or the soil to be excavated, or both,* *(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,* *(e) the source of fill material and the destination of excavated material,* *(f) the likelihood of disturbing relics,* *(g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area,* *(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,* *(i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area,* *(j) the visual impact of earthworks as viewed from the waterways.*		
2.41 Development on flood prone land	*(1) This section applies to development requiring consent that is carried out on flood prone land.* *(2) Consent is not to be granted to the carrying out of development to which this section applies unless the consent authority has taken into consideration whether or not—* *(a) the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and* *(b) the development will alter flow distributions and velocities to the detriment of other properties or the environment of the*	BG&E has prepared a Flood assessment over the site (**Appendix LL**) the study has noted that the site is not subject to overland flows or mainstream flooding. The flood information indicates that the proposed development site is not considered as flood prone land and is outside the Probable Maximum Flood Extent.	**Section 6.11**

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Statutory Reference	Consideration	Relevance	Section in EIS
	floodplain, and *(c) the development will enable safe occupation of the flood prone land, and* *(d) the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse, and* *(e) the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and* *(f) the development is compatible with the flow conveyance function of the floodway, and* *(g) the development is compatible with the flood hazard, and* *(h) in the case of development consisting of the excavation or filling of land, the development—* *(i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and* *(ii) will adversely impact or alter flood behaviour.*		
2.42 Heritage conservation	*(5) Heritage assessment The consent authority may, before granting consent to development—* *(a) on land on which a heritage item is located, or* *(b) on land that is within a heritage conservation area, or* *(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),* *require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*	The site is not located in proximity to local heritage items or a heritage conservation area. The proposal will not impact the heritage significance of nearby heritage items.	**Section 6.15, 6.16**
2.43 Consent for clearing native vegetation	*(1) A person must not clear native vegetation on land in Zone C2 Environmental Conservation or Zone RE1 Public Recreation without*	The proposal development does not propose to remove native vegetation in	**N/A**

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Statutory Reference	Consideration	Relevance	Section in EIS
	development consent. *Note.* *In addition to a consent of the relevant council required under this section, it may be necessary to obtain other consents or authorisations for the clearing of native vegetation. See, for example, the Biodiversity Conservation Act 2016.* *(2) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation caused by the clearing of the vegetation—* *(a) that there is no reasonable alternative available to the disturbance of the native vegetation,* *(b) that any impact of the proposed clearing on biodiversity values is avoided or minimised,* *(c) that the disturbance of the native vegetation will not increase salinity,* *(d) that native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction,* *(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation,* *(f) that the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.* *(3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land zoned E2 Environmental Conservation have regard to the objectives for development in that zone.* *(4) This section does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.*	Zone C2 or RE1.	

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Statutory Reference	Consideration	Relevance	Section in EIS
	(5) Subsections (1) and (2) do not apply to land identified as avoided land under State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 13.		
2.44 Stormwater, water quality and water sensitive design	*(1) The objective of this section is to avoid or minimise the adverse impacts of stormwater on the land on which development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems.* *(2) Before granting development consent to development on land to which this Chapter applies, the consent authority must take into consideration whether—* *(a) water sensitive design principles are incorporated into the design of the development, and* *(b) riparian, stormwater and flooding measures are integrated, and* *(c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and* *(d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and* *(e) the development will have an adverse impact on—* *(i) the water quality or quantity in a waterway, including the water entering the waterway, and* *(ii) the natural flow regime, including groundwater flows to a waterway, and* *(iii) the aquatic environment and riparian land (including aquatic and riparian species, communities,*	A Water Management Report (Refer to **Appendix W**) has been prepared by BG&E to address the stormwater water quality and water sensitive design. **Stormwater** Stormwater impacts are managed through the implementation of stormwater controls throughout the site to mimic existing conditions and adhere to guidelines set out by Blacktown City Council's DCP Part J and the SEPP 59 Stage 3 Eastern Creek Precinct Plan. It is noted from Council's specifications under Part J of the DCP that the site is located in an area where "no permanent or temporary OSD is required" due to regional facilities provided. **WSUD/ESD** The proposed development has been designed to satisfy Council's pollutant treatment targets through the provision of multiple methods of water filtration devices. MUSIC modelling was undertaken and shows the site is capable of meeting the reduction targets set out by Council.	**Section 6.10**

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Statutory Reference	Consideration	Relevance	Section in EIS
	populations and habitats), and *(iv) the stability of the bed, banks and shore of a waterway, and* *(f) the development includes measures to retain, rehabilitate and restore riparian land.* *(3) For the purposes of subsection (2)(a), the water sensitive design principles are as follows—* *(a) protection and enhancement of water quality, by improving the quality of stormwater runoff from catchments,* *(b) minimisation of harmful impacts of development on water balance and on surface and groundwater flow regimes,* *(c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity,* *(d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water.*		
2.45 Savings provisions	*(1) Except for section 2.28, this Chapter does not apply to or in respect of a development application (including a staged development application) made (but not finally determined) before the commencement of this Chapter.* *(2) Except for the amendment made to section 12 and subject to subsection (3), the amendments to this Chapter made by State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020 do not apply to or in respect of a development application (including a staged development application) made (but not finally determined) before the commencement of State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020.* *(3) The amendments to this Chapter made by State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020*	This provision is not applicable.	**N/A**

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Statutory Reference	Consideration	Relevance	Section in EIS
	apply to or in respect of a development application (including a staged development application) relating to development on the land identified on the Land Application Map as Precinct 12 (Mamre Road) made (but not finally determined) before the commencement of State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020. *(4) The amendments made to this Chapter by State Environmental Planning Policy (Biodiversity and Conservation) Amendment (Strategic Conservation Planning) 2022 do not apply to a development application made, and not finally determined, before the commencement of that Policy.* *(5) A development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Exceptions to Development Standards) 2023 must be determined as if that policy had not commenced.* *(6) A development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Flood Planning) 2023 must be determined as if that policy had not commenced.*		
Chapter 3 – Advertising and Signage			
3.1 Aim, objectives, etc.	*(1) This Chapter aims—* *(a) to ensure that signage (including advertising)—* *(i) is compatible with the desired amenity and visual character of an area, and* *(ii) provides effective communication in suitable locations, and* *(iii) is of high-quality design and finish, and* *(b) to regulate signage (but not content) under Part 4 of the Act, and* *(c) to provide time-limited consents for the display of certain advertisements, and* *(d) to regulate the display of advertisements in transport corridors, and* *(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*	(a) The proposed signage is compatible with the desired amenity and visual character of the area as it will sit within the development envelope. As assessed in detail within the EIS, the bulk and scale of the proposal has been carefully developed to ensure amenity and visual character of the area are not adversely impacted. Further, the proposed signage will ensure the users of the data centre can easily identify the site, as well as providing wayfinding for visitors. The proposed signage will be of a high-quality design and finish as shown in the Architectural Plans at **Appendix E**.	**Section 3.4.3**

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Statutory Reference	Consideration	Relevance	Section in EIS
		(b) The proposal will be assessed and regulated under Part 4 of the EP&A Act and the conditions of consent. (c) the proposed signage does not relate to advertisement. (d) The proposed does not present any road safety issues and is not expected to compromise road safety in its vicinity. (e) the proposed signage does not relate to advertisement. Locations of the proposed signage are shown in the Architectural Plans at **Appendix E**.	
Section 3.4 Signage to which this chapter applies	*(1) This Chapter applies to all signage that—* *(a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and* *(b) is visible from any public place or public reserve, except as provided by this Chapter.*	This chapter applies to signage at the site, as it is visible from public places.	**Section 3.4.3**
Section 3.6 Granting of consent to signage	*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—* *(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and* *(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*	Assessment against Section 3.1(1)(a) is addressed above and Schedule 5 below.	**Section 3.4.3**
Schedule 5 Assessment Criteria			

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Statutory Reference	Consideration	Relevance	Section in EIS
1 Character of the area	• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is compatible with the desired character of the area as an industrial precinct as it will identify the data centre within the site and assist in wayfinding. The design of the proposed signage is compatible with the proposed design of the data centre, reflected in materials and colour schemes.	**Section 3.4.3**
2 Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from the amenity or visual quality of the area as it is integrated into the design of the data centre and key to the operation of the proposed data centre. The proposed signage is compatible with the visual character and desired amenity of the locality as it will sit within envelope of the proposed development. As assessed in detail within the EIS, the bulk and scale of the proposal has been carefully developed to ensure amenity and visual character of the area are not adversely impacted.	**Section 3.4.3**
3 Views and Vistas	• Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	All signage has been designed to not impact views within the site. The size of proposed signs ensures they do not dominate the skyline or reduce quality of vistas.	**Section 3.4.3**
4 Streetscape, setting or landscape	• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising?	All proposed signage has been designed to be appropriate for the streetscape, setting and landscape and aims to assist land use identification and wayfinding.	**Section 3.4.3**

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Statutory Reference	Consideration	Relevance	Section in EIS
	• Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	The signage does not protrude above the proposed structures or tree canopies in the locality. The proposal will not require ongoing vegetation management.	
5 Site and building	• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is consistent with signage designs that are present on the surrounding industrial and data centre developments.	**Section 3.4.3**
6 Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices, platforms, or lighting devices have been designed as part of the signage. The Applicant's logo is included as a sign for the data centre façade given it is the owner of the facility.	**Section 3.4.3**
7 Illumination	• Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The proposed signage is designed to comply with illumination requirements to minimise glare and ensure safety for road users, pedestrians or aircraft. It is not anticipated that the proposed signs will cause any amenity impacts on nearby resident. The intensity of illumination can be adjusted if necessary. Illumination is not subject to a curfew.	**Section 3.4.3**
8 Safety	• Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs have been located within the site and will not impact the safety of roads for motorists, pedestrians or cyclists and will not obscure sightlines from public areas.	**Section 3.4.3**

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Statutory Reference	Consideration	Relevance	Section in EIS
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Part 2.6 Clearing that requires permit or approval	*(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.* *(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.* *(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.* *(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.* *(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.* *(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.*	Development consent is sought for the removal of trees on the site. Please refer to Section 3.3.2 of the EIS and Arboricultural report in **Appendix CC**.	**Section 3.3.2, 6.6**
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Part 2.3 Division 3 Data Centres	*(1) Development for the purpose of data centres may be carried out by any person with consent on land in a prescribed zone.* *(2) In this section—* *prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones—* *(a1) E3 Productivity Support,* *(a2) E4 General Industrial,* *(a3) E5 Heavy Industrial,* *(a) B5 Business Development,*	Data centres are permissible with development consent on land zoned for the prescribed purposes. The site is zoned IN1 General Industrial under Chapter 2 of the IESEPP. Accordingly, development of the site for the purpose of a data centre is permissible with consent.	**Section 4.3**

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Statutory Reference	Consideration	Relevance	Section in EIS
	(b) B6 Enterprise Corridor, *(c) B7 Business Park,* *(d) IN1 General Industrial,* *(e) IN2 Light Industrial,* *(f) IN3 Heavy Industrial,* *(g) Zone SP4 Enterprise under the following local environmental plans—* *(i) Canada Bay Local Environmental Plan 2013,* *(ii) Central Coast Local Environmental Plan 2022,* *(iii) Penrith Local Environmental Plan 2010,* *(iv) Pittwater Local Environmental Plan 2014,* *(v) Port Macquarie-Hastings Local Environmental Plan 2011,* *(vi) Sutherland Shire Local Environmental Plan 2015,* *(vii) The Hills Local Environmental Plan 2019,* *(viii) Warringah Local Environmental Plan 2011.*		
Part 2.3 Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution network	Clause 2.48 Determination of development applications – other development *(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following-* *a) The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,* *b) Development carried out* *i. Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or* *ii. Immediately adjacent to an electricity substation, or* *iii. Within 5m of an exposed overhead electricity power*	Works are immediately adjacent to an easement for electricity purposes and in proximity to overhead electricity power lines. Therefore, referral during the assessment of the proposal will be made to the electricity supply authority (Endeavour Energy) for the area in which the development is to be carried out.	**Section 6.19**

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Statutory Reference	Consideration	Relevance	Section in EIS
	line c) *Installation of a swimming pool any part of which is* i. *Within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or* ii. *Within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,* d) *Development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned,* *(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must-* a) *Give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and* b) *Take into consideration any response to the notice that is received within 21 days after the notice is given.*		
Part 2.3 Division 17 Roads and traffic, Subdivision 2 development with frontage to a classified road	Clause 2.119 Development with frontage to classified road *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—* *(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and* *(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—* *(i) the design of the vehicular access to the land, or* *(ii) the emission of smoke or dust from the development, or* *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*	The classified roads map was reviewed and notes that the development does not front any classified roads. Clause 2.119 is not applicable for the proposed development.	**Section 6.4**

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Statutory Reference	Consideration	Relevance	Section in EIS
	(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.		
	2.122 Traffic-generating development *A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (TfNSW) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.* *Schedule 3 Traffic Generating Development to be referred to TfNSW-Chapter 2* *Industry - 20,000m² in site area or (if the site area is less than the gross floor area) gross floor area*	The site has a site area of 17ha and GFA of 99,144m². The proposal is therefore considered traffic generating under the TISEPP requiring referral to TfNSW.	**Section 6.4**
State Environmental Planning Policy (Resilience and Hazards) 2021			
Chapter 3 Hazardous and Offensive Development	Part 3 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.	Core Engineering Group was engaged to undertake a Preliminary Risk and Hazard Analysis (**PHA**)(**Appendix S**) for the site to assess the potential impacts associated with the proposed storage of dangerous goods. The development was assessed against Appendix 7 of *State Environmental Planning Policy (Resilience and Hazards) 2021* threshold values, as well as Part 7.1 of the *Work Health and Safety Regulation 2025* – Quantities of Dangerous Goods. On this basis, the development is considered to involve the storage of dangerous goods and will require:	**Section 6.3**

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Statutory Reference	Consideration	Relevance	Section in EIS
		• notification to WorkCover NSW, • preparation and maintenance of a dangerous goods manifest, and • compliance with the applicable Work Health and Safety Regulation requirements. The PHA identifies the key risks associated with the proposed development and recommends appropriate mitigation measures to manage and minimise those risks to an acceptable level.	
Chapter 4 Remediation of Land	Clause 4.6(1) Contamination and remediation to be considered in determining development application *(1) A consent authority must not consent to the carrying out of any development on land unless—* *(a) it has considered whether the land is contaminated, and* *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and* *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*	A Detailed Site Investigation (**DSI**) was undertaken by Senversa. The assessment found no evidence of contamination that would pose an unacceptable risk to human health or the environment, and accordingly no remediation is required. Based on the findings of the DSI and the recommendations provided, the site is considered suitable for the proposed use.	**Section 6.7**
State Environmental Planning Policy (Sustainable Buildings) 2021			
Chapter 3 Standards for non-residential development	Clause 3.2 Development consent for non-residential development *(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*	An ESD Report (**Appendix O**) has been prepared by LCI Consultants and is provided with the SSDA submission. The ESD Report demonstrates how proposal has been designed to meet and exceed the objectives and provisions of Chapter 3	**Section 6.20**

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Statutory Reference	Consideration	Relevance	Section in EIS
	(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials, *(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,* *(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,* *(d) the generation and storage of renewable energy,* *(e) the metering and monitoring of energy consumption,* *(f) the minimisation of the consumption of potable water.* *(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*	of the Sustainable Buildings SEPP for non-residential development. The report includes a detailed assessment of the development's environmental performance and identifies a suite of project-specific sustainability initiatives, including on-site solar photovoltaic generation, high-efficiency mechanical and electrical systems, metering and monitoring of energy and water use, and commitments to procure 100% renewable electricity for non-IT operational energy. These initiatives will be refined through detailed design and implemented and monitored throughout the construction and operational phases of the development.	

Reference	Control	Response / Compliance	Section in EIS
Blacktown Development Control Plan 2015 – SEPP No.59 Central Western Sydney Economic and Employment Area			
4.0 General Services			
4.1 Water Services	Development within the Employment Lands Precinct must demonstrate that proposed building heights are consistent with available water servicing capacity (up to RL 65m or RL 72m AHD depending on connection), confirm adequate hydraulic and fire-fighting supply through site-specific assessment and any required on-site augmentation, and obtain Sydney Water approvals, compliance certification and infrastructure protection measures in accordance with the *Sydney Water Act 1994* and the Blacktown DCP.	Complies – upon completion of Section 73 to be obtained prior to Construction Certificate. The Infrastructure Requirements and Utilities Report prepared by LCI Artelia Group (**Appendix L**) identifies that existing potable water infrastructure connection is located within Roberts Road. A Section 73 Compliance Certificate will be obtained prior to the issue of the Construction Certificate.	Section 2.3.6 Section 6.19

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4.2 Sewerage Services	Development must demonstrate that trade wastewater and effluent impacts (volume and quality) are appropriately managed in accordance with Council and Sydney Water requirements, including approved pre-treatment systems, protection of stormwater quality, referral and approvals from Sydney Water, delivery of any required trunk sewer infrastructure and REF, and compliance with Section 73 and 74 requirements under the *Sydney Water Act 1994*.	Complies. Infrastructure requirements and utilities report is prepared by LCI Artelia Group (**Appendix L**). Sewer infrastructure connection to service the site is located along Roberts Road.	Section 2.3.6 Section 6.19
4.3 Power	Development must comply with Council and relevant service provider requirements for utilities, including undergrounding of services, consultation and certification from service providers for servicing and street lighting, and staging of development to align with available services capacity prior to completion of zone substation infrastructure.	Complies Infrastructure requirements and utilities report prepared by LCI Artelia Group (**Appendix L**) has noted power connection from the neighbouring substation can be provided with back-up power supplies available on-site should a power outage occur.	Section 2.3.6 Section 6.19
4.4 Telecommunications	Development must comply with Council and telecommunications network provider requirements, including undergrounding of services, provision of infrastructure for future fibre optic cabling, and obtaining written clearance from a recognised carrier confirming that telecommunications services are available or arrangements have been made for their provision to the site.	Complies Infrastructure requirements and utilities report prepared by LCI Artelia Group (**Appendix L**) has noted four points of entry for telecommunications on site.	Section 2.3.6 Section 6.19
4.5 Gas Supply	Development is required to meet the installation and operational requirements of the relevant gas service provider.	Not Applicable Gas is not required to be provided as part of this development proposal.	N/A
5.0 Stormwater Management			
5.6.1 General	Development must be supported by a site-specific Stormwater Management Plan demonstrating compliance with Blacktown City Council and Precinct Plan requirements, including integrated water quantity and quality controls, application of water sensitive urban design principles, protection and enhancement of waterways and riparian corridors, limitation	Complies Integrated Stormwater Management Plan and WSUD concept has been prepared by BG&E to comply with and meet the	Section 2.3.8 Section 6.10.2

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	of downstream impacts, and construction of drainage works in accordance with relevant Council and EPA stormwater guidelines and standards.	objectives of the Precinct Plan. Refer to **Appendix W.**	
5.6.2 Major Drainage System	Development must ensure the major drainage system is designed to safely manage up to the 100-year ARI event (and PMF risk), incorporate naturalised and WSUD-based trunk drainage and detention, avoid adverse impacts on existing and downstream drainage and riparian corridors, provide appropriate easements and land dedication, and include maintenance, monitoring and handover arrangements to Council in accordance with Precinct Plan requirements.	Complies The Flood Assessment prepared by BG&E (**Appendix KK**) confirms that the site is located outside the mapped flood planning area and is not subject to flood-related constraints. The accompanying Stormwater Management Report (**Appendix W**) identifies that the site falls within a catchment serviced by the regional stormwater infrastructure. Accordingly, no permanent or temporary on-site detention (**OSD**) is required as part of the proposed development.	Section 2.3.8 Section 6.10.2 Section 6.11
5.6.3 Minor Drainage System	Development must ensure the minor drainage system is designed in accordance with Council's Drainage Design Standards to safely convey design ARI flows, integrate with the major drainage system, prevent ponding and property damage, incorporate WSUD measures for water quality treatment, follow natural drainage patterns, provide appropriate freeboard and easements, and minimise environmental impacts including provision for fauna passage at drainage crossings.	Complies The stormwater management plan prepared by BG&E (**Appendix W**) has noted the design is consistent with Council's Precinct Plan requirements.	Section 2.3.8 Section 6.10.2
5.6.4 Flooding	Development must avoid the 100-year ARI floodway, comply with Council flood policy and the NSW Floodplain Development Manual for land within the flood fringe, ensure no increase in flood levels or loss of flood storage (supported by modelling where required), prohibit filling within riparian corridors, and incorporate appropriate design measures for any development between the 100-year ARI and PMF levels to minimise flood risk to people and property.	Complies The flood assessment prepared by BG&E (**Appendix KK**) notes the site is located outside of the flood zone. The flood assessment prepared by BG&E (**Appendix KK**) notes the site is located outside of the flood zone. The development will not be impacted by 100-year ARI and PMF levels.	Section 2.3.8 Section 6.11

7.0 Environmental Management

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7.1 Ecologically Sustainable Development	Development must demonstrate consideration of ecologically sustainable development principles, including waste reduction and water conservation, total water cycle management, use of recycled and renewable materials, biodiversity enhancement, energy efficiency, and achievement of waste reduction targets, as well as promotion of ecologically sustainable transport through support for public transport, walking and cycling networks and reduced reliance on private vehicles.	Complies ESD assessment prepared by LCI Artelia Group (**Appendix O**) has addressed the development principles listed.	Section 6.20
7.2 Water Conservation	Development must be supported by a Site Water Management Plan demonstrating consideration of integrated water management measures, including rainwater harvesting, greywater reuse, stormwater capture and reuse, treatment and reuse of process water, and control of wastewater and stormwater quality where feasible.	Complies An integrated stormwater management plan has been prepared by BG&E (**Appendix W**). The ESD report prepared by LCI Artelia Group (**Appendix O**) notes fixtures will be selected toward the highest efficiency available with strategies provided to minimise water consumption.	Section 2.3.8 Section 6.10 Section 6.20
7.3 Energy Efficiency	Development must demonstrate the use of energy-efficient materials and building services, be designed to maximise solar access, natural lighting, heating, cooling and ventilation, incorporate efficient hot water, air-conditioning and lighting systems, be supported by an Energy Performance Statement (where applicable), and consider the feasibility of renewable and low-emission energy sources such as photovoltaics or co-generation.	Complies The ESD report prepared by LCI Artelia Group (**Appendix O**) confirms the development meets the relevant energy consumption targets, with modelling indicating an annual energy reduction of approximately 410,739 megawatt-hours compared to national average performance. The report provides design for installation of solar PV, lighting recommendations and energy metering. The architectural plans (**Appendix E**) demonstrate the use of energy-efficient materials and building services, and design. Landscape Plans (**Appendix AA**) demonstrate the wind and solar analysis and access onto the site.	Section 6.20
7.4 Air Quality	Development must demonstrate and provide assessment to identify necessary mitigation measures, to minimise potential environmental impacts from air pollutants that are generated from the development to	Complies An Air Quality Impact Assessment has been prepared by Northstar Air Quality (**Appendix**	Section 6.9

	ensure no adverse environment impacts occur both during and after the development period.	**J**) the assessment has identified potential risks considered during the construction and operational phases and provided recommended mitigation measures to ensure air quality impacts with the proposal are considered as acceptable.	
7.5 Waste	A Waste Management Plan must accompany the Development Application, demonstrating compliance with the Eastern Creek Precinct Plan and Blacktown Development Control Plan 1992, and addressing statutory licensing requirements, waste types and quantities, waste minimisation measures, and procedures for storage, transport, disposal, record keeping, reporting, and worker training during construction and operation.	Complies A Waste Management Plan was prepared by SLR Consulting (**Appendix HH**), the report has addressed the demolition, construction and operational waste and recycling management associated with the proposed development.	Section 6.18
7.6 Contamination	Development must be supported by a site-specific contamination assessment and, where required, a remedial action plan prepared by a suitably qualified person, demonstrate design and management measures to minimise polluting discharges, emissions and spillages, and comply with Council's Site Contamination Policy and relevant government guidelines.	Complies A Preliminary Site Investigation (**PSI**) and Detailed Site Investigation (**DSI**) have been prepared by Senversa (**Appendix Y**), confirming that no significant contamination is present on the site and that there is no unacceptable risk to human health. Accordingly, no remediation is required based on the current investigations.	Section 2.3.9 Section 6.7
7.7 Salinity	Applicants must provide a site-specific salinity model and submit a Salinity Management Plan with the Development Application, outlining measures to minimise impacts of development on the saline environment and vice versa, including drainage, landscaping, and construction techniques, and ensure compliance with the Western Sydney Salinity Code of Practice (March 2003).	Complies A Salinity Management Plan has been prepared by PSM (**Appendix V**) to manage site salinity, minimise potential impacts of the proposed development on salinity processes, and protect the development from salinity-related damage. The site soils are classified as non-saline to moderately saline, and PSM has recommended appropriate measures during construction and the selection of suitable materials to reduce potential impacts.	Section 6.12.4

7.8 Noise and Vibration	Development Applications must assess potential noise and vibration impacts, identify mitigation measures, comply with relevant Council and government guidelines, and consider the arrangement and design of sensitive land uses and buildings to minimise on- and off-site noise in accordance with the Precinct's optimised noise level goals.	Complies A Noise and Vibration Impact Assessment was prepared by Renzo Tonin (**Appendix I**) to evaluate both construction and operational impacts of the proposed development. The report also recommends mitigation measures to ensure noise and vibration remain within acceptable trigger levels.	Section 6.8
8.0 Biodiversity			
8.3 Biodiversity Conservation Areas	Development Applications on or adjacent to conservation areas or riparian corridors must protect and manage biodiversity, comply with riparian setbacks, retain significant and habitat trees where possible, maintain ecological connectivity, use locally indigenous species for plantings, and ensure tree removal is guided by a fauna ecologist.	Complies A BDAR (**Appendix K**) has been prepared to assess the potential biodiversity impacts of the development. The report concludes that the project avoids clearing of all areas of native vegetation there are no residual direct impacts likely to occur on the subject land after steps are taken to avoid and minimise impacts and no changes in vegetation integrity for residual direct impacts on native vegetation, Threatened Ecological Communities, threatened species and their habitat that were identified on the subject land.	Section 6.5
8.4 Management Strategies	Development must establish landscaping promptly after construction to prevent weed infestation using certified weed-free soil and mulch, exclude noxious weeds, provide refuse storage and bulk bins to prevent feral animal access, incorporate native vegetation near conservation areas, and for sites adjacent to bushfire-prone land, submit a bushfire hazard assessment addressing APZ provision and management, fuel control, radiant heat barriers, building setbacks, use of APZs for managed vegetation, open space and access, and provision of a perimeter road or fire trail wholly within the site and outside conservation or riparian corridors.	Mitigation measures outlined in **Appendix D** have been identified to manage impacts during construction.	Section 6
9.0 Heritage			

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9.1 Non-Indigenous Heritage	Development on and around Southridge House must follow the CMP, retain original fabric and character, ensure additions respect scale and materials, prohibit demolition of significant features except in exceptional circumstances, record any disturbance, and implement an archaeological watching brief for excavations near heritage curtilages.	Not Applicable There are no non-indeginous heritage items mapped in or within the vicinity of the site.	Section 2.3.13 Section 6.16
9.2 Indigenous Heritage	Development on land containing an identified conservation area must ensure ongoing protection and management of indigenous heritage values, avoid development within the conservation area, implement a conservation management strategy, and consult with local Aboriginal community groups regarding cultural values and site interpretation.	Complies An ACHAR was prepared by Artefact (**Appendix DD**) the assessment notes no aboriginal heritage items located in or surrounding the site.	Section 2.3.12 Section 6.15
10.0 Traffic and Transport			
10.2 Local Road Network	Development must comply with RTA road design guidelines and Council's Engineering Guide, align with the Precinct Plan street hierarchy and landscape, avoid direct access to regional roads, provide traffic control devices and safe intersection design, configure streets to create vistas and terminate appropriately, accommodate heavy vehicles and cul-de-sac turning requirements, ensure bridges minimise impacts on riparian and fauna corridors, and extinguish the Pioneer Quarry right of way without affecting quarry operations.	Not Applicable There are no new public roads proposed as part of this application.	N/A
10.3 Public Transport	Applicants must demonstrate arrangements with State authorities for public transport, provide well-designed and sheltered bus stops within 400 m of most employment-generating development, ensure pedestrian access and crossings are convenient, and design streets to allow efficient, unimpeded bus movement.	Complies Public and active transport options are discussed in Section 2.7 of the Traffic Impact Assessment prepared by Ason Group (**Appendix P**). The assessment identifies two bus routes located within 400 m of the site. No train stations are available within an 800 m radius; however, one of the bus services operates at regular intervals and provides a connection to the nearest train station.	Section 2.3.5 Section 6.4
10.4 Pedestrians and Cycling	Development must provide safe, convenient, and legible pedestrian and cyclist networks consistent with relevant bike and transport plans and guidelines, integrate cycleways into the road hierarchy, provide secure bike parking, showers, and lockers at destinations, ensure crossings have	Acceptable on Merit Pedestrian and cycling connections are addressed in Section 2.7.3 of the Traffic	Section 2.3.5 Section 6.4

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	adequate sightlines and lighting, and deliver cycle and pedestrian infrastructure in accordance with applicable standards.	Impact Assessment prepared by Ason Group (**Appendix P**). The assessment notes that the development does not propose any new pedestrian or cycling networks and will instead utilise the existing connections to the surrounding infrastructure.	
10.5 Transport Initiatives	Applicants must prepare a Travel Demand Management Program, to the satisfaction of DOP, promoting sustainable transport choices for visitors and employees through initiatives such as carpooling, fleet-sharing, taxis, mini-bus facilities, public transport subsidies, cycling allowances, information distribution, and on-site facilities to support walking and cycling.	Complies A Preliminary Green Travel Plan (**GTP**) has been prepared as part of the Traffic Impact Assessment (**Appendix P**). The GTP outlines a range of action strategies aimed at managing travel demand and encouraging sustainable transport choices associated with the development. The plan includes measures to promote the use of public transport, carpooling, cycling, and walking, as well as initiatives designed to positively influence employee travel behaviour. These strategies incorporate targeted incentives and awareness programs to support mode shift and reduce reliance on private vehicle use.	Section 2.3.5 Section 6.4.4
10.6 Parking	Development must provide on- and off-street parking in accordance with relevant Australian Standards and Precinct Plan requirements, ensure accessibility, clear signage, disabled parking provisions, hard-standing surfaces with line marking, landscaped areas for shade and screening, and designated truck parking for overnight or loading purposes, while avoiding stack parking where possible. The parking rates are noted in the table below.	Acceptable on merit The architectural plans (**Appendix E**) indicate the parking locations which includes 150 parking spaces to be provided for the development. The Traffic Impact Assessment (**Appendix P**) has undertaken a assessment of the parking rates and notes that there are no specific rates associated with data centre developments under the EPIs, therefore a first principle assessment was undertaken and concluded 1 space per staff is considered sufficient to meet the anticipated parking demand.	Section 2.3.5 Section 6.4.1

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<table>
<tr><td></td><td><table><tr><th>LAND USE</th><th>CAR PARKING REQUIREMENTS</th></tr><tr><td>Employment</td><td></td></tr><tr><td>Industrial</td><td>Buildings 7,500sqm or less – 1 space per 100sqm GFA.</td></tr><tr><td></td><td>Building greater than 7,500sqm GFA – 1 space per 200sqm GFA only for the area in excess of 7,500sqm where there is a specific end user which would not demand a higher rate and where employee parking is adequately catered for.</td></tr><tr><td>Commercial / Office</td><td>1 space per 40sqm GFA</td></tr><tr><td>Associated Showrooms</td><td>1 space per 45sqm GFA</td></tr></table></td><td>The Architectural plans also provide signage information for appropriate wayfinding for parking.</td><td></td></tr>
<tr><td colspan="4">11 Urban Design</td></tr>
<tr><td>11.2 Subdivision</td><td>Subdivision design outcomes are critical to the realisation of the image and appearance of the Precinct.</td><td>Not Applicable

There is no subdivision proposed as part of this development.</td><td>N/A</td></tr>
<tr><td>11.3 Entrance Treatment</td><td>Precinct and building entrances must be clearly visible, well signposted, lit, and landscaped, provide architectural features addressing the street frontage, include directory boards on private property with appropriate management controls, and prohibit advertising on entrance treatments.</td><td>Complies

Access to the development will be via the Roberts Road cul-de-sac. A site identification pylon sign is proposed within the site boundary to clearly identify the development. The sign does not display any advertisements; the developer’s logo is shown solely to identify the project proponent.</td><td>Section 3.4.3

Section 3.9.1</td></tr>
<tr><td>11.4 Siting and Setbacks</td><td>Buildings and hardstand areas must comply with prescribed setbacks from roads, boundaries, conservation and riparian areas, cover no more than 65% of the site, have landscaped and accessible setback areas maintained as open space with no storage, contribute to public amenity and visual mitigation, and may require increased setbacks where bulk, scale, or landscaping is insufficient to reduce visual impact.</td><td>Complies

The DCP requires a 7.5m front setback and 3m side and rear setbacks. The architectural plans demonstrate compliance, with the building and hardstand appropriately positioned and landscaping provided within the setback areas. The Landscape Plan (Appendix AA) outlines the proposed planting strategy for the site. All setback areas are to be landscaped with turf, with additional tree planting provided along the sides of the built form to soften its appearance and reduce visual impact when</td><td>Section 3.4

Section 6.1.3</td></tr>
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		viewed from Roberts Road and Old Wallgrove Road. The Visual Impact Assessment (**Appendix R**) has noted the mitigation measures to the built form noting the site is located in an area of low scenic quality and visual sensitivity, however building colours and tones strategies have been considered as part of the proposal The development achieves a 58.9% site coverage including substation buildings and site infrastructure.	
11.5 Building Heights and Design	Development must achieve high aesthetic standards by integrating building design with landscape, optimising orientation, views, and natural elements, articulating facades to reduce bulk, avoiding blank walls, providing visual interest in rooflines, screening rooftop structures and water tanks, considering dual frontages, and ensuring amenity to adjoining conservation and open space areas while incorporating legible spaces and minimizing the visual impact of functional elements such as roller shutters and loading docks.	Complies The proposed development has been designed with a high aesthetic design in architecture and landscape design resulting in a high-quality development outcome. The multi-storey development is consistent with the surrounding locality and is appropriately screened and distanced from any sensitive viewpoints or receivers.	Section 3.4.1 Section 6.1.2
11.6 External Building Materials and Colour	Applicants must submit a schedule of external finishes with coloured elevations, using durable, high-quality, low-maintenance materials that combine masonry, glass, steel, concrete, or other approved finishes, minimise metal cladding on public facades, ensure roofs are pre-coloured, reduce reflectivity, and consider energy efficiency, sustainability, and environmental performance.	Complies A schedule of materials and finishes is provided within the Architectural Design Report (**Appendix E**).	Section 6.1.4
11.7 Ancillary Buildings, Storage and Service Areas	Storage should be provided within the primary industrial building, with any external storage fully enclosed, screened by vegetation, located behind setback lines, designed to complement the main building, and not compromise vehicle manoeuvring or parking, with details submitted as part of the Development Application.	Complies The architectural plans (**Appendix E**) show all storage is located within Buildings 1 and 2 with no storage areas visible from the public domain.	Section 3.4.1
11.8 Cut and Fill	Buildings and earthworks should minimise cut and fill, avoid works within 10 m of conservation, riparian, open space, or drainage areas, ensure batters and retaining walls are appropriately graded, terraced, and landscaped, implement soil erosion and siltation controls, and address	Complies Bulk earthworks on the site will be required to facilitate the development of the site for	Section 3.3.2 Section 6.10.1

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	environmental impacts where works adjoin sensitive areas, with details provided in the Development Application.	the proposed data centre. Construction works will be appropriately managed to minimise adverse impacts to neighbouring properties and uses.	
11.9 Fencing	Front fencing should generally be limited to low feature walls integrated with landscaping, with any required safety or security fencing set back at least 1 m, decorative and visually permeable, and all materials approved by Council; side boundary fencing may use dark green or black coated chain mesh up to 2.1 m to maintain visibility.	Acceptable on merit The existing boundary fence is to be demolished and replaced. A 2.4mhigh primary perimeter fence is proposed along the site boundary, with a 2.1 metre high secondary security fence to be constructed within the site. The variation is justified on the basis of the sensitive nature of the proposed infrastructure, which requires enhanced security measures. The increased fence height will strengthen site security, deter unauthorised access, and minimise the risk of intrusion.	Section 3.9.2
11.10 Signage and Lighting	Signage must be minimal, business identification signs are to be primarily wall-mounted, complement building architecture, display only corporate logos or company names (generally ≤10% of a facade), avoid moving or flashing elements, include directional and freestanding signs integrated with landscaping where required, be setback appropriately from key roads, accompanied by details in the Development Application, and designed to avoid offsite glare while maintaining visual character and consistency across the Precinct.	Complies A signage plan has been included in the architectural set (**Appendix E**). It presents multiple signage types, all of which have been designed in accordance with the applicable planning controls and relevant Australian Standards.	Section 3.4.3
11.11 Private Open Space	Each development must provide a suitably landscaped, accessible private open space for employees equivalent to 5% of office GFA or minimum 50m², maximum 100 m², with a main area of at least 7m × 7m, flat and unobstructed, equipped for employee use, screened from the public domain, and located to optimise outlook, sunlight, and enjoyment.	Complies The Landscape Plan (**Appendix AA**) illustrates open breakout spaces with seating and integrated art features, creating areas that function as clearings for meetings, lunch, and social interaction for workers. The proposed ancillary office component has a total GFA of 2,547 m². Based on the requirement to provide accessible private open space equivalent to 5% of the relevant	Section 3.4.4 Section 6.6

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		GFA, a minimum area of approximately 128 m^2 is required. Three locations across the site have been identified for these breakout areas, providing a combined total of approximately 900m^2 of private open space.	
11.12 Safety and Security	Development must incorporate Crime Prevention through Environmental Design principles, including street-oriented entrances, casual surveillance of public areas, well-lit pedestrian, cycle, bus, and parking areas, clear sightlines, landscaping that does not compromise safety, and, where required, a Crime Risk Assessment and Site Management Plan addressing security, vandalism, and maintenance.	Complies The proposal seeks to construct security fencing along the boundary of the stie. Lighting at entrances, walkways and carpark will be implemented in the detailed design.	Section 3.9.2
12.0 Community Services	Applications for community services must be located within designated neighbourhood centres, demonstrate they meet the daily convenience needs of the Precinct workforce without affecting the viability of other centres or business zones, and may include uses such as child care, commercial, community, mixed business, recreation, refreshment, or retail facilities.	Not Applicable The development is for the proposal of a Data Centre in IN1 zoned land. Community services building is not proposed.	N/A
13.0 Open Space	Open space and recreation areas must be designed and managed to support multiple uses, connectivity, integration with the landscape, casual surveillance, safety, and amenity, be located near neighbourhood centres, separate from traffic, appropriately landscaped, integrated with conservation and riparian areas without compromising their integrity, and accompanied by a management plan identifying care and control.	Not Applicable The proposal does not seek to construct public open space on the site.	N/A
14.0 Landscaping	Allotment and streetscape landscaping must be integrated with site and building design, incorporate hard and soft elements, use predominantly local native species with low water demand, include irrigation and erosion control, provide shade, screening, and amenity, facilitate pedestrian and cycle connectivity, reduce visual impact of buildings and car parks, ensure safety and surveillance, and be coordinated across streetscapes, open space, and car parking areas, with detailed landscape plans submitted with Development Applications.	Acceptable on merit Landscape plans prepared by Arcadia (**Appendix AA**) have been developed to integrate the site and building design, incorporating both hard and soft landscaping elements. The design includes additional tree planting and a landscaping strip approximately every 25m of car parking (roughly 9 spaces), providing shade, screening, and visual amenity. Only one location deviates from this standard, which is minor in nature, while the	Section 3.4.4 Section 6.6

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		remainder of the car parking layout complies with relevant landscaping controls. The landscape design predominantly uses local native species with low water demand, consistent with sustainable water management and irrigation considerations. The landscape treatment is coordinated across streetscapes, open space, and car parking areas, providing a cohesive and functional outdoor environment that complements the proposed development.

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