



CONNECTING PEOPLE,
POLICY AND PLACE.

Appendix 2 – Statutory Compliance Table

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
Considerations under the EP&A Act and EP&A Regulation				
<i>Environmental Planning and Assessment Act 1979</i>	Section 1.3 – Objects of the Act	<i>(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,</i>	The proposal promotes the social and economic welfare of the community as it will generate approximately 555 construction jobs and 20 ongoing full-time positions (Stage 2), contributing to local employment and economic activity. The development also delivers essential digital infrastructure that supports the efficient and sustainable functioning of the modern economy. As businesses increasingly rely on real-time data processing and secure storage, the facility will provide the high-capacity computing resources required to manage these demands, ensuring that the State's technological and economic resources are utilised effectively for community benefit.	N/A
		<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal provides for a balanced outcome which appropriately manages economic, environmental, and social considerations and would result in an ecologically sustainable development outcome being achieved at the site.	Refer to Section 6.7 of the EIS.

M - 0401 699 336

E – info@patchplanning.com.au

W- patchplanning.com.au



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		<i>(c) to promote the orderly and economic use and development of land,</i>	The project promotes the orderly and economic development of land by intensifying the established data centre precinct.	N/A
		<i>(d) to promote the delivery and maintenance of affordable housing,</i>	Not applicable.	N/A
		<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The landscape is one of the site's defining strengths. A 20-metre-wide 'green belt' encircles the development, retaining and enhancing more than 400 mature trees to create a continuous canopy and natural buffer. While the proposed development requires the removal of 60 trees, 60 trees will be replanted across the site with the inclusion of endemic species. Furthermore, the integration of rainwater harvesting for irrigation, water-sensitive planting and ongoing ecological management, the landscape limits stormwater run-off while nurturing biodiversity.	Refer to Section 6.8 of the EIS.
		<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	This objective is met through the sensitive design that respects the neighboring locally listed heritage items.	Refer to Section 6.18 and Section 6.19 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
			The proposed development will have no impact on any heritage items and is unlikely to have the adverse impacts on Aboriginal Cultural Heritage. It further promotes cultural heritage by embedding the Connecting with Country framework into the design through specific features like Indigenous art, replanting of native species and a commitment to manage unrecorded archaeological finds.	
		<i>(g) to promote good design and amenity of the built environment,</i>	The project demonstrates a high standard of Design Excellence under the 'Better Placed' policy. The site's overall layout and built form were developed in response to an urban design study of the site's context, an in-depth site analysis, and were informed by an understanding of the desired future character for Norwest Precinct.	Refer to Section 6.1 and 6.2 of the EIS.
		<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The Proposal has been designed in accordance with relevant standards and requirements and will ensure the protection of the health and safety of occupants.	N/A



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	This objective is demonstrated by the State Significant Development (SSD) process itself, which involves DPHI (as the consent authority) working collaboratively with key agencies like Transport for NSW (on traffic management) and The Hills Shire Council (on local public domain works) to ensure a cohesive outcome.	N/A
		<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	This is fulfilled by the exhibition of this EIS, which forms the mandatory public contribution framework. The extensive preliminary engagement process, which involved community surveys and consultation with local stakeholders and Registered Aboriginal Parties (RAPs, further demonstrates the commitment to public participation.	Refer to Part 5 of the EIS.
	Section 4.15(1)(a) – Matters for consideration – general	<i>(i) any environmental planning instrument, and</i>	The EPIs relevant to the proposed development include: • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Refer to Part 4 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
			State Environmental Planning Policy (Sustainable Buildings) 2022	
		(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), and	None.	N/A
		(iii) any development control plan, and	Despite the relevance of Clause 2.10 of the State Environmental Planning Policy (Planning Systems) 2021, the Hills Local Environmental Plan 2019 has been considered and assessed.	Refer to Appendix 5.
		(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, and	Not applicable. No planning agreements apply to the development sites or to the proposed development.	N/A
		(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).	Refer below.	N/A



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
	Section 4.15(1)(b) –	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	-	Refer to PART 6 of the EIS.
	Section 4.15(1)(c) –	<i>the suitability of the site for the development,</i>	-	Refer to PART 1 of the EIS.
	Section 4.15(1)(d) –	<i>any submissions made in accordance with this Act or the regulations,</i>	Will be addressed as part of the forthcoming public exhibition and response to submissions phase.	N/A
	Section 4.15(1)(e) –	<i>The public interest.</i>	-	Refer to Part 6 of the EIS.
<i>Environmental Planning and Assessment Regulation 2021</i>	Clause 190 – Form of an Environmental Impact Statement	<i>(1) An environmental impact statement must contain the following information – a. the name, address and professional qualifications of the person who prepared the statement, b. the name and address of the responsible person, c. the address of the land – i. to which the development application relates, or</i>	-	Refer to whole EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		<i>ii. on which the activity or infrastructure to which the statement relates will be carried out,</i> <i>d. a description of the development, activity or infrastructure,</i> <i>e. an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</i>		
		<i>(2) The person preparing the statement must have regard to –</i> <i>a. for State significant development – the ‘State Significant Development Guidelines’, or</i> <i>b. for State significant infrastructure – the ‘State Significant Infrastructure Guidelines’.</i>	-	Refer to whole EIS.
		<i>(3) An environmental impact statement must also contain a declaration by a relevant person that –</i>	-	Refer to EIS Declaration on page 3 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		a. <i>the statement has been prepared in accordance with this Regulation, and</i> b. <i>the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</i> c. <i>the information contained in the statement is not false or misleading, and</i> d. <i>for State significant development or State significant infrastructure—the statement contains the information required under the ‘Registered Environmental Assessment Practitioner Guidelines’.</i>		
	Clause 191 – Compliance with environmental assessment requirements	<i>The Environmental Impact Statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).</i>	The SEARs (reference: SSD-81928961) issued by the NSW DPHI on 8 April 2025 identify the following key issues: 1. Statutory Context 2. Estimated Development Cost and Employment 3. Design Quality 4. Built Form and Urban Design	Refer to PART 6 of this EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
			5. Visual Impact 6. Traffic, Transport and Accessibility 7. Trees and Landscaping 8. Ecologically Sustainable Development 9. Biodiversity 10. Back-Up Power System 11. Air Quality 12. Noise and Vibration 13. Ground and Water Conditions 14. Water Management 15. Flood Risk 16. Hazards and Risk 17. Contamination and Remediation 18. Waste Management 19. Aboriginal Cultural Heritage 20. Environmental Heritage 21. Social Impact 22. Infrastructure Requirements and Utilities 23. Bush Fire Risk 24. Construction, Operation and Staging 25. Contributions and Public Benefit 26. Engagement	

M - 0401 699 336

E - info@patchplanning.com.au

W - patchplanning.com.au



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
Considerations under EPIs				
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Part 2.2 – State Significant Development	<i>2.6(1) – 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</i>	In accordance with Schedule 1, Clause 25 of the Planning Systems SEPP, development for “data storage” with a megawatt input exceeding 15MW constitutes SSD. The power to grant approval lies with the Minister for Planning (NSW DPHI) as the consent authority for SSD, pursuant to Section 4.5 of the EP&A Act. The Minister may delegate this function to staff within the DPHI.	Refer to Part 3 of the EIS.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Clause 3.58 – Traffic Generating Development	Schedule 3 of the Transport and Infrastructure SEPP requires certain traffic generating developments to be referred to TfNSW. Whilst data centres are not a standalone specified use, they are a type of ‘industry.’ The trigger for industry for sites with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road) is 5,000m ² in site area or (if the site area is less than the gross floor area) gross floor area. The SSDA will be referred to TfNSW as a traffic generating development.	The proposed development would constitute traffic generating development, as described in Schedule 3 of the Transport and Infrastructure SEPP.	Refer to Section 6.4 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 4.6 – Contamination and remediation to be considered in determining development application	Clause 4.6 states that the consent authority must consider the following: • Whether the land is contaminated; • Whether the land is suitable in its current state for the proposed use; and • If the land is not suitable, whether it can be made suitable by remediation. The consent authority must not grant consent unless it is satisfied that the land is either suitable or will be made suitable before the development is carried out.	Detailed site investigations of the site identified the site as being suitable for the ongoing operation as a data centre, subject to the implementation of a long-term environmental management plan (LTMEP). An LTMEP has been prepared. The LTMEP sets out the requirements for ongoing groundwater monitoring, including demonstration of plume stability and natural attenuation, and provides management measures to ensure any remaining impacts are appropriately addressed to protect human health and future site occupants.	Refer to Section 6.16 of the EIS.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Clause 3.2 – Development consent for non-residential development	Clause 3.2 states that the proposed development must satisfy the consent authority that it effectively enables the following: • Minimising the demand for electricity and the consumption of artificial heating/ cooling; • Generating and storing renewable energy, metering and monitoring of energy consumption; • Minimising waste during construction and operation; and • Minimising the consumption of potable water.	Through the implementation of the initiatives noted within the ESD Report, the project demonstrates its commitment to the principles of Ecologically Sustainable Development throughout the design, construction, and operation of the proposed development.	Refer to Section 6.7 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
<i>The Hills Shire Local Environment Plan 2019 (THLEP 2019)</i>	Clause 4.3 – Height of Buildings	Applies a maximum height of building control to certain sites within the Hills Shire LGA	The Site is subject to a maximum building height of RL116. The proposed development does not comply with the development standard, resulting in a 12.06% variation. The resulting building height is reflective of both the existing and envisaged future development for the Norwest Precinct.	Refer to the Architectural package enclosed at Appendix 8 and the Clause 4.6 Variation Request at Appendix 4.
	Clause 4.4 – Floor Space Ratio	Applies a maximum Floor Space Ratio (density) control to certain sites within the the Hills Shire LGA.	The site is subject to a prescribed maximum floor space ratio (FSR) of 1:1. The stage 2 development exhibits a combined gross floor area (GFA) of 161,191sqm. Collectively, the site as a whole presents a combined GFA of 24,657sqm, including: • Stage 1 - 8,466sqm • Stage 2 - 16,191sqm Based on a site area of 51,867sqm, the combined site has an FSR of 0.47:1.	Refer to the Architectural package enclosed at Appendix 8.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
	Clause 5.10 – Heritage Conservation	Clause 5.10 operates across four main objectives to manage heritage: • Protecting heritage items and conservation areas; • Managing development impact (views and context); • Promoting appropriate design and schedule; and • Supporting cultural and scientific value.	Neither site is identified as a heritage item nor are they within a heritage conservation area pursuant to the THLEP 2019. The site is however in the vicinity of three heritage items of local significance: <i>St Joseph's Novitiate</i> (I17), <i>Avenue of trees leading to Castle Hill Country Club</i> (I25) and <i>Windsor Road from Baulkham Hills to Box Hill</i> (I28), identified in Schedule 5 of THLEP 2019 A Statement of Heritage Impact has been prepared by Everick to assess the degree of effect arising upon the heritage significance of these nearby heritage items.	Refer to Section 6.19 of the EIS.
	Clause 5.21 – Flood Planning	Clause 5.21 is the core legislative tool that guides the consent authority (DPHI) in determining whether development on flood prone land is appropriate. The clause has a dual focus: ensuring the safety of occupants and assets on the site, and ensuring the development does not worsen flooding elsewhere. The clause requires the consent authority to be satisfied that the proposal meets the following objectives: • Risk and safety: to minimise the flood risk to life and property associated with the use of the land, ensuring that safety is paramount.	The site is not located within a Flood Planning Area and is not subject to flood-related development controls under THLEP 2019 and THDCP 2012. Nevertheless, the site is within proximity to Strangers Creek. As such, a Flood Assessment Report (Appendix 26) has been prepared by TTW to assess the flood risks associated with the site and its expansion.	Refer to Section 6.14 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		• Compatibility (flood function): to ensure the development is compatible with the flood function and behaviour on the land. This means the building must not unduly impede flood flows or increase the velocity of water, especially in floodways. • No adverse impact: to ensure the development will not adversely affect flood behaviour elsewhere (i.e., it must not increase the potential flood affectation or flood hazard for other development or properties). • Safe evacuation: to ensure the development will not adversely affect the safe occupation and efficient evacuation of people, or exceed the capacity of existing evacuation routes. • Future resilience (climate change): to ensure that consideration has been given to potential flood impacts arising from projected changes to flood behaviour as a result of climate change.		



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
	Clause 7.2 – Earthworks	Clause 6.2 operates by ensuring the planning authority is satisfied that the earthworks will achieve several environmental, structural, and social safeguards: • Environmental protection; • Geotechnical and structural stability; and • Visual and amenity control.	Minor earthworks are proposed as part of this SSDA, requiring consideration of this clause.	Refer to Section 6.13 of the EIS.
	Clause 7.7 – Design Excellence	Clause 6.10 aims to ensure that buildings of a certain scale and prominence within key commercial areas achieve a level of design quality that is above the ordinary. In making this determination, the authority must have regard to a list of specific design matters: • Architectural standard: whether a high standard of architectural design, materials, and detailing appropriate to the building type and location will be achieved. • Public domain impact: whether the form and external appearance will improve the quality and amenity of the public domain.	The proposed development exhibits a building height greater than 25 metres and is therefore subject to the design excellence provisions of clause 7.7 of THLEP 2019. In accordance with clause 7.7(4)(g), the proposal was presented to the Government Architect's State Design Review Panel (SDRP) on 20 November 2025, which expressed general support for the development. Matters raised by the SDRP have been addressed in Section 5 of the EIS.	Refer to Section 4.10.6 and Part 5 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		- Contextual fit: how the development addresses heritage issues, streetscape constraints, and the surrounding character (bulk, massing, and modulation). - Sustainability: the achievement of the principles of Ecologically Sustainable Development (ESD) and minimizing environmental impacts (e.g., overshadowing, wind). - Amenity: the preservation of amenity for occupants and neighbours.		
Considerations under other legislation				
<i>Biodiversity Conservation Act 2016</i>	Section 7.9 – Biodiversity assessment for State significant development or infrastructure	Clause 7.9 mandates that an SSD application assessed under the Environmental Planning and Assessment Act 1979 (EP&A Act) must be accompanied by a Biodiversity Development Assessment Report (BDAR).	A BDAR has been prepared and is provided as Appendix 19 of this EIS The BDAR has been prepared in accordance with the relevant requirements of the BC Act 2016 and biodiversity assessment methodology (BAM).	Refer to Section 6.8 of the EIS.



CONNECTING PEOPLE, POLICY AND PLACE.

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
<i>National Parks and Wildlife Act 1974</i>	Part 6, Division 1	The National Parks and Wildlife Act 1974 (NPW Act) is the primary NSW legislation protecting Aboriginal objects and places. As a State Significant Development (SSD) assessed under the EP&A Act, the project is exempt from the requirement for a physical permit (AHIP) to impact Aboriginal objects. However, the Proponent remains subject to the Duty of Care and mandatory protocols outlined in the Act.	An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Everick Heritage and forms Appendix 33 of the EIS. An archaeological survey was carried out on 1 August 2025, during which no Aboriginal sites or objects were identified. No trees showed signs of cultural modification, and all vegetation on the site was assessed as having been planted after the establishment of the data centre complex in the 1990s. The survey also confirmed that the majority of the area has experienced extensive disturbance. As outlined in the ACHAR, the desktop assessment and archaeological survey did not identify any Aboriginal objects or sites within the site. Therefore, it is anticipated that the development is unlikely to result in impacts to Aboriginal objects, sites, or Aboriginal cultural values specific to the Project Area subject to an unexpected finds procedure being in place during construction. As such, an AHIP is not required for the proposed works subject to this SSDA.	Refer to Section 6.18 of the EIS.