Appendix B – Statutory Compliance Table

Environmental Planning and Assessment Act 1979

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
1.3 Objects of Act **The objects of this Act are as follows—**	(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 as amended will deliver a state-of-the-art data centre within the Western Sydney Employment Area (**WSEA**), providing critical digital infrastructure to support NSW's growing economy. It will generate approximately 1,142 construction jobs and 200 ongoing operational jobs, contributing to local and regional employment. Significant landscaped setbacks, increased deep soil areas (15,806.37m² now proposed), and canopy plantings (10.59% coverage) improve the local environment and mitigate urban heat.	**Executive Summary** **Section 3.2** **Section 3.5**
	(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The project as amended incorporates ESD principles, including high efficiency chiller plant through modern compressor technology, waterless air-cooled chillers for heat rejection to significantly minimise the project's overall water consumption, rooftop solar PV, LED lighting, and 100% renewable energy sourcing from operations. Passive design minimises heat gain, while water reuse strategies optimise resource efficiency. These measures ensure balanced integration of environmental, economic and social outcomes.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(c) to promote the orderly and economic use and development of land,	The data centre site at 78 Lockwood Road is zoned IN1 General Industrial under *State Environmental Planning Policy (Industry & Employment) 2021* (**I&E SEPP**), located in the WSEA, and specifically intended for employment-generating uses. It has been cleared and serviced to accommodate future development. The data centre represents the most efficient and compatible use of the land, consistent with strategic and statutory planning objectives. The HV cabling route, which is ancillary to the primary data centre land use, will be located on land zoned IN1 General Industrial and E2 Environmental Conservation under the I&E SEPP. It will also be located on a small parcel of land zoned SP2 Special Infrastructure (Electricity Transmission & Distribution) under the *Blacktown Local Environmental Plan 2015* (**LEP**). 'Industries', 'high-tech industries' or 'data centres' are permitted on the IN1 General Industrial zoned land but are not permitted on those parts of the land which are zoned E2 Environmental Conservation or SP2 Special Infrastructure (Electricity Transmission & Distribution). Planning Circular PS 21-008 (*How to characterise development*) outlines that an ancillary use is a use that is subordinate or subservient to the dominant purpose. The proposed HV connection works can therefore be granted consent on the IN1 General Industrial zoned land as the works are ancillary to the data centre which is permissible in this zone.	**Section 3.3** **Section 3.4** **Section 3.6**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		Whilst the data centre use is prohibited in the E2 and SP2 land, Section 4.38(3) of the EP&A Act provides that: *development consent may be granted despite the development being partly prohibited by an environmental planning instrument.* Therefore, despite being prohibited on this land, the HV route works may be consented to as part of an SSD application. Additional assessments have been provided with this application which find that the likely impacts resulting from the construction and operation of the HV cabling route will be acceptable, subject to recommendations, and is therefore not incompatible with or unsuitable for the land.	
	(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.	N/A
	(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The data centre site has been previously cleared and biodiversity offsets secured through the Erskine Park Biodiversity Corridor. The proposal avoids direct impacts on sensitive habitats and incorporates stormwater and water quality management. New tree canopy cover and landscaping will improve ecological function and mitigate environmental impacts. The proposed HV cabling route comprises a double circuit trench extending from the STACK SYD01 switchyard and continuing along Lenore Drive. The works are located within the existing road reserve and do not require vegetation clearing or any tree removal. The footprint of the proposed HV cabling works does not provide habitat for any threatened	**Section 3.5.1.4** **Section 3.5.2.1** **Appendix ZO** **Appendix ZB**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		species, nor does it provide habitat connectivity. The HV cabling route will not impact the Ropes Creek riparian corridor or the associated Erskine Park biodiversity corridor, nor will it impact on the flight path of any protected animals. The likelihood of the amended proposal affecting hydrological processes that sustain threatened species and threatened ecological communities is considered a low risk. The Cumberland Redgum Riverflat Forest within the riparian corridor and Ropes Creek will be avoided through the use of construction techniques including underboring approx 15m below the ground surface to avoid interference with the creek bed.	
	(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	An Aboriginal Cultural Heritage Assessment Report (**ACHAR**) confirms the data centre site has low archaeological potential. An ACHAR Addendum Statement confirms that the land which will be subject to the HV cabling route has very low archaeological potential. Nonetheless, appropriate unexpected finds protocols are in place No European heritage items are present on any of the land which will be affected by this proposal, as amended. The project acknowledges Dharug Country and incorporates landscaping to strengthen ecological and cultural connections.	**Section 3.5.2.5** **Appendix ZA** **Appendix ZS**
	(g) to promote good design and amenity of the built environment,	The development as amended adopts a high-quality architectural and landscape design that responds to its industrial setting. Built form is articulated through varied materials, recessed office levels, and façade treatment, reducing perceived bulk. Generous landscaped setbacks and the retention of an existing berm along Lenore Drive berm provide visual	**Section 3.5.1.1** **Appendix E** **Appendix F**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		screening and improve streetscape amenity. The design aligns with the NSW Government Architect's *Better Placed* principles by ensuring functional, efficient, and attractive outcomes.	
	(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The data centre facility, as amended, is designed to meet the Building Code of Australia and best-practice safety standards. Vehicle circulation is shared between heavy and light vehicles; however, the Transport Impact Assessment confirms that due to the low traffic generation, security-controlled access, and managed operations, there is no conflict risk. Redundant power and cooling systems (N+1) ensure safety and operational reliability.	**Section 3.5.2.8** **Appendix I** **Appendix U**
	(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	This SSDA will continue to be assessed by the NSW Department of Planning, Housing and Infrastructure (**DPHI**) and determined by the Minister for Planning or the Independent Planning Commission. Relevant Council and government agencies have been consulted during the process and preparation of the SSDA.	**Section 2.2.1** **Section 3.4.1**
	(j) to provide increased opportunity for community participation in environmental planning and assessment.	Community consultation and engagement with relevant stakeholder groups, including government agencies and public authorities, has been undertaken throughout the planning and design process	**Section 2.2.1** **Appendix D**
4.5 Designation of consent authority	(a) in the case of State significant development—the Independent Planning Commission (if the	This SSDA will be determined by the Minister for Planning or the Independent Planning Commission.	**Section 3.4.1**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
For the purposes of this Act, the consent authority is as follows—	development is of a kind for which the Commission is declared the consent authority by an environmental planning instrument) or the Minister (if the development is not of that kind),		
4.15 Evaluation	**(1) Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of— (i) any environmental planning instrument, and	The environmental planning instruments (**EPIs**) which apply to this proposal are: ▪ *State Environmental Planning Policy (Planning Systems) 2021 (**Planning Systems SEPP**)* ▪ *State Environmental Planning Policy (Industry and Employment) 2021 (**I&E SEPP**)* ▪ *State Environmental Planning Policy (Resilience and Hazards) 2021 (**R&H SEPP**)* ▪ *State Environmental Planning Policy (Transport and Infrastructure) 2021 (**T&I SEPP**)* ▪ *State Environmental Planning Policy (Sustainable Buildings) 2022 (**SB SEPP**)* ▪ *State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (**Precincts SEPP**)* ▪ *Blacktown Local Environmental Plan 2015 (**LEP**)*	**Appendix B** (this document)

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		Compliance against these instruments is demonstrated further in this document.	
	(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	No draft or proposed EPIs are relevant to this proposal.	N/A
	(iii) any development control plan, and	Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to State Significant Development. Accordingly, there is no statutory requirement to assess the proposal against the Penrith Development Control Plan 2014, which applies to the data centre site, or the Blacktown Development Control Plan 2015, which applies to the majority of the external HV cable route. Notwithstanding this, the proposal has been informed by the relevant provisions and underlying objectives of the Penrith DCP 2014, particularly in relation to built form, landscaping and amenity outcomes, as outlined in this Appendix.	**Appendix B** (this document)

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		For completeness, the Blacktown DCP 2015 has also been reviewed. Given the nature of the proposed HV cabling works within the road reserve, it is confirmed that there are no specific controls of direct relevance to the development.	
	(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	The site forms part of the former Fitzpatrick Industrial Estate, which is subject to a VPA (SVPA-2017-8407, dated 30 August 2019) with the then DPE for the provision of State Infrastructure. The developer's obligations under the VPA have been met. The Estate is also covered by a Biodiversity Management Plan, which established the Erskine Park Biodiversity Corridor to offset biodiversity losses from the Estate's development as part of the Ropes Creek biodiversity corridor.	N/A
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The *Environmental Planning and Assessment Regulation 2021* applies to this amended proposal, and relevant matters are addressed below.	**Appendix B** (this document)
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and	The likely impacts of the development including the environmental impacts on the natural and built environments and social and economic impact on the locality is assessed in detail within the Submissions and Amendment Report.	**Section 63.5** **Section 3.6.5**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	social and economic impacts in the locality,		
	(c) the suitability of the site for the development,	The suitability of the site for the amended proposal is demonstrated in the Submissions and Amendment Report: ▪ The proposal is consistent with the IN1 zone objectives, is permitted with consent and satisfactorily addresses the relevant provisions in I&E SEPP, Blacktown LEP 2015 and the Penrith DCP 2014. ▪ The site is a large, consolidated land holding which is vacant and has been previously cleared of all structures and vegetation to accommodate future development. ▪ There are no significant environment constraints that would limit the project being developed on the site. ▪ The character and scale of the development is compatible and consistent with its existing and likely future context, being an emerging industrial employment area. ▪ The proposed development will optimise use of a vacant site and deliver strategic objectives located within a developing employment precinct with high amenity and employment outcomes and support business activity that occurs in other nearby established and emerging employment-generating precincts.	**Section 3.6.6**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		▪ The site is highly accessible to the regional road network and all necessary infrastructure can be accommodated, allowing operations to commence at no cost to Government. ▪ The proposed development is found to generate no adverse impacts on the established residential land to the north (approximately 300 metres away from the site), based on the environmental assessments undertaken. ▪ The HV route is predominantly located in a road reserve which is existing disturbed land, containing other services infrastructure. Excavation below Ropes Creek will be managed so not to impact the environmental quality of the waterway. The proposed HV connection works are permissible by way of section 4.38(3) of the EP&A Act as they are sufficiently related and ancillary to the data centre development.	
	(d) any submissions made in accordance with this Act or the regulations,	Submissions have been considered following exhibition of the application and responded to in accordance with the *State Significant Development Guidelines – preparing a Submissions Report*.	**Section 2** **Appendix A**
	(e) the public interest.	The proposal as amended is in the public interest as demonstrated in the original EIS and the Amendment Report: ▪ The proposal remains consistent with relevant State and local strategic plans and complies with the relevant State and local	Addressed throughout the Amendment Report **Section 3.6.7**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		planning controls including the relevant provisions in the I&E SEPP and Penrith DCP 2014. ▪ Subject to the implementation of the recommended mitigation measures, no adverse social or environmental impacts result from the proposal in terms of traffic, noise and vibration, air quality or views during construction and operation of the development. ▪ The potential impacts of this development, as amended are significantly reduced compared to traditional industrial land uses, e.g. warehousing and distribution, which have greater potential noise and traffic impacts. In particular, the amended proposal has removed the need for industrial water use by implementing waterless air-cooling technology, which will further minimise the project's demand for potable water. ▪ The proposal directly contributes to the important role that the WSEA plays as an employment generating precinct within the broader Western Parkland City, as identified in the Greater Sydney Region Plan (**Region Plan**). ▪ The proposal provides critical infrastructure which will support the growth for the digital economy within NSW and more broadly. ▪ The proposal will protect and enhance employment lands and increase job numbers.	**Appendix B** (this document)

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		No major issues relating to the construction and operation of the development were raised during the pre-lodgement consultation with the local community, Council, Government and agency stakeholders.	

Environmental Planning and Assessment Regulation 2021

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
190 Form of environmental impact statement	(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 (ii) on which the activity or infrastructure to which the statement relates will be carried out, (d) a description of the development, activity or infrastructure,	The original EIS provided with the SSDA was prepared in accordance with these requirements.	Addressed throughout the original EIS

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(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.		
	(2) The person preparing the statement must have regard to— (a) for State significant development—the *State Significant Development Guidelines*	The original EIS was prepared with regard to the *State Significant Development Guidelines*.	Addressed throughout the original EIS
	(3) An environmental impact statement must also contain a declaration by a relevant person that— (a) the statement has been prepared in accordance with this Regulation, and (b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and (c) the information contained in the statement is not false or misleading, and (d) for State significant development or State significant infrastructure—the statement contains the information required under the *Registered Environmental Assessment Practitioner Guidelines*.	The original EIS was reviewed and signed by a Registered Environmental Assessment Planner.	**Signed Declaration in original EIS**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
191 Compliance with environmental assessment requirements	The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).	This original EIS was prepared in accordance with the industry-specific SEARs issued for this project, which were issued by DPHI on 11 April 2025 (SSD-82211208).	SEARs reference table at original **Appendix A**
192 Content of environmental impact statement	(1) An environmental impact statement must contain the following— (a) a summary of the environmental impact statement, (b) a statement of the objectives of the development, activity or infrastructure, (c) an analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure, (d) an analysis of the development, activity or infrastructure, including— (i) a full description of the development, activity or infrastructure, and (ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and (iii) the likely impact on the environment of the development, activity or infrastructure, and	The original EIS was prepared in accordance with these requirements.	Addressed throughout the original EIS Revised mitigation measures at **Appendix C**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and (v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out, (e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv), (f) the reasons justifying the carrying out of the development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193.		
193 Principles of ecologically sustainable development	(1) The principles of ecologically sustainable development are the following— (a) the precautionary principle, (b) inter-generational equity, (c) conservation of biological diversity and ecological integrity, (d) improved valuation, pricing and incentive mechanisms.	The proposal as amended has considered the principles of ESD at each stage of design and development. A revised ESD Report has been prepared which outlines the sustainability initiatives to be implemented into the project. The proposal addresses the principles of ESD in accordance with the requirements at Section	**Section 3.5.2.3** **Appendix ZE**
	(2) The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.		

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(3) In applying the precautionary principle, public and private decisions should be guided by— (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (b) an assessment of the risk-weighted consequences of various options. (4) The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. (5) The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration. (6) The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as— (a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and (b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and (c) established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market	194 of the EPA Regulation and as outlined below: ▪ Precautionary Principle: No serious or irreversible environmental threats have been identified. All potential impacts can be effectively mitigated in line with current scientific standards. ▪ Intergenerational Equity: The project supports future generations by creating local jobs and delivering critical technology infrastructure that underpins long-term economic vitality. ▪ Conservation of Biodiversity and Ecological Integrity: With mitigation measures and native planting, the development will avoid significant ecological impacts and support local biodiversity.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.	▪ Improved Valuation, Pricing and Incentive Mechanisms: Air, water, and waste impacts are manageable and acceptable. Sustainability initiatives (energy efficiency, renewable energy, and waste minimisation) further ensure environmental resources are responsibly valued and protected.	

Protection of the Environment Operations Act 1997

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
Schedule 1 Scheduled activities **Part 1 Premises-based activities**	**9 Chemical storage** (1) This clause applies to the following activities— ***general chemicals storage***, meaning the storage or packaging in containers, bulk storage facilities or stockpiles of any chemical substance	The POEO Act sets out the scheduled activities for which a licence is required. Relevant to this Project is Clause 9 under Schedule 1 of the POEO Act, which relates to 'chemical storage'.	**Section 3.4.1** **Section 3.5.8.1** **Appendix ZG**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	classified as a dangerous good in the Transport of Dangerous Goods Code, other than the following— (a) petroleum or petroleum products, (b) radioactive substances within the meaning of the *Protection from Harmful Radiation Act 1990.* ***on-site generated chemical waste storage*** means the storage of any chemical substance produced on site that is prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them). ***petroleum products storage***, meaning the storage or packaging of petroleum or petroleum products in containers, bulk storage facilities or stockpiles. (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table. ***Column 1 – Activity*** *general chemicals storage* ***Column 2 – Criteria*** *capacity to store more than 20 tonnes (pressurised gases), 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form)*	For the purpose a scheduled activity, 'chemical storage' includes petroleum products storage, which is defined as 'the storage or packaging of petroleum products in containers, bulk storage facilities or stockpiles'. The amended project includes approximately 4,454,750L of diesel to be stored on-site. This is above the 2,000-tonne limit and so the diesel storage will be classified as a scheduled activity for which a license is required. As such, an Environmental Protection License (**EPL**) will be required as per the requirements of Schedule 1, Clause 9 of the POEO Act. 1,300 kg tonnes of lithium-ion batteries will be stored onsite. This is below the 2,000-tonne limit as specified in the POEO Act. Accordingly, the development's lithium-ion battery storage is not	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		classified as a scheduled activity and an EPL is not required.	

State Environmental Planning Policy (Planning Systems) 2021

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
2.6 Declaration of State significant development: section 4.36	(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.	Under Schedule 1, Clause 25 of the Planning Systems SEPP, development for the purpose of data centres that has a total power consumption of more than 15 megawatts is classified as SSD. The proposed data centre on the site, as amended, will have a total power consumption of 450 megawatts and, accordingly, is to be assessed as an SSDA. In accordance with Division 4.7 of the Act, the ancillary HV connection works are sufficiently related to the declared data centre project and are therefore	**Section 3.4.1**
Schedule 1 State significant development—general	**25 Data centres** (1) Development for the purpose of data centres that has a total power consumption of more than the relevant amount. (1A) Subsection (1) does not apply to development on land within the area of the City of Sydney. (2) In this section—		

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	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.	also suitably declared as SSD as part of this singular project.	

State Environmental Planning Policy (Resilience and Hazards) 2021

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
Chapter 3 Hazardous and offensive development	**3.11 Preparation of preliminary hazard analysis** A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.	A revised risk screening was undertaken to identify and assess potential hazards associated with the amended proposal. The assessment considered the applicability of the *State Environmental Planning Policy (Resilience and Hazards) 2021* and the *Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines*. The only relevant dangerous goods proposed to be stored and handled on site are: ▪ Diesel fuel (C1 combustible liquid) for standby generators.	**Section 3.5.1.8** **Appendix ZG**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		▪ Electrolytes within lithium-ion batteries (Class 9 miscellaneous dangerous goods) for uninterruptable power supply systems. The proposed storage volumes are approximately 4,454,750 litres of diesel and 86,170 litres of electrolyte. Storage locations are set back a minimum of 13 metres (diesel tanks) and 9.4 metres (battery electrolyte) from site boundaries. Dangerous goods movements are limited. Diesel deliveries are expected monthly, while lithium-ion battery deliveries will occur only at installation and at end-of-life (estimated at 10-year intervals). Standby generators are expected to operate for less than two hours annually. The revised assessment determined that both storage and handling volumes are well below SEPP 33 screening thresholds. The proposal is not classified as a potentially hazardous industry, and a Preliminary Hazard Analysis is not required.	
Chapter 4 Remediation of land	**4.6 Contamination and remediation to be considered in determining development application**	This application is accompanied by a revised Detailed Site Investigation (**DSI**) for the data centre site, prepared by Douglas Partners. The revised DSI confirms the data centre site remains suitable for the	**Section 3.5.1.11** **Appendix Q** **Appendix ZU**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(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.	proposed use. No significant contamination was identified, and the risk to human health and the environment is low, subject to standard construction and site management measures. The Supplementary Preliminary Site Investigation (**PSI**) prepared for the external HV finds that the risk of contamination on the land which will be affected by the construction of the external HV cabling route is considered to be low, based on an investigation of the previous land uses in this area. Accordingly, the PSI considers that the affected area is suitable from a contamination perspective for the proposed HV cabling works. Notwithstanding, an Unexpected Finds Protocol has been prepared to manage any potential contamination encountered during construction.	

State Environmental Planning Policy (Transport and Infrastructure) 2021

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
2.119 Development with frontage to classified road	(1) The objectives of this section are— (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	The amended proposal will not compromise the operation or function of Lenore Drive, with only temporary construction access via an existing crossover and permanent operational access provided from Lockwood Road. The revised Transport Impact Assessment (**TIA**) confirms negligible traffic generation and no adverse impacts on the classified road. The development is not sensitive to traffic noise or vehicle emissions, and appropriate setbacks and landscaping provide further mitigation for amenity. Transport for NSW (**TfNSW**) reviewed the proposal as part of the public notification period. TfNSW confirmed via return correspondence to DPHI that they had no comments to make, noting that the project will not have a detrimental impact to the surrounding transport and classified road network. The HV connection works will be undertaken within the Classified Road reserve. These works will be reviewed by TfNSW during exhibition of the amended project. The works will be subject to a future s138 approval and	**Section 3.5.1.3** **Appendix U**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		suitable construction management parameters to ensure that it does not compromise the operation of Lenore Drive during the construction phase.	
	(2) 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 (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	Consistent with the proposal originally lodged, an existing crossover from Lenore Drive will be used temporarily during construction, with impacts managed through a Construction Environmental Management Plan (**CEMP**) and a Traffic Control Plan to ensure safety and maintain the efficiency of the classified road. Operational access will continue to be provided via Lockwood Road, a local road, rather than directly from Lenore Drive. The revised TIA confirms the proposal will not adversely affect the safety, efficiency, or operation of Lenore Drive given the low traffic generation, controlled site access, and absence of dust or smoke emissions. The data centre is not considered a noise- or emission-sensitive use, and the design incorporates appropriate setbacks and landscaping to further mitigate potential impacts.	**Section 3.5.1.3** **Appendix U**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.		
2.122 Traffic generating development	Traffic generating development specified at Schedule 3 requiring referral to Transport for NSW (TfNSW) includes 'Development for the purpose of Industry': *20,000m² in site area or (if the site area is less than the gross floor area) gross floor area.*	The proposal, as amended, will continue to constitute traffic-generating development under Schedule 3 as it is for the purpose of industry with a gross floor area exceeding 20,000m². Accordingly, the application was referred to TfNSW for review and comment. The TIA confirms the proposal can be accommodated without adverse impacts on the surrounding road network. Following public notification of the proposal, TfNSW issued a response to DPHI confirming they had no comments on the project.	**Section 3.5.1.3** **Appendix U**

State Environmental Planning Policy (Sustainable Buildings) 2022

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
3.2 Development consent for non-	(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the	The most significant change to the project's ESD strategy relates to industrial water use. Since exhibition of the EIS, the heat rejection system has been revised from an evaporative system to a fully air-cooled system,	**Section 3.5.1.9** **Section 3.5.2.3** **Appendix ZE**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
residential development	development is designed to enable the following— (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.	resulting in the removal of the previously proposed 23 industrial water tanks. The adoption of an air-cooled system eliminates the need for water in heat rejection, substantially reducing reliance on potable water infrastructure, improving operational resilience and reducing maintenance requirements. As a result, the development will achieve an annual average Water Usage Efficiency (**WUE**) approaching zero, representing a significant improvement on the industry benchmark of 1.73. Notwithstanding the above, the amended design also achieves an improved PUE of 1.3, reduced from 1.35 under the exhibited scheme. While further reductions in PUE could be achieved through water-based systems, this would come at the cost of significantly increased water demand. The adopted approach therefore represents a more sustainable and balanced outcome. Overall, the amended proposal incorporates a revised ESD strategy which considers the full lifecycle impacts of the development, including: ▪ Energy and greenhouse gas emission ▪ Water efficiency and WSUD ▪ Materials and waste ▪ Urban heat mitigation **Energy and greenhouse gas emissions**	**Appendix ZI**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		▪ High-performance building fabric, glazing and shading to reduce thermal loads, with low absorptivity/high SRI finishes to limit heat gain. ▪ Elevated data hall cooling setpoints, relaxed humidity control and direct-to-chip liquid cooling to maximise mechanical efficiency. ▪ High-efficiency chiller plant through modern compressor technology coupled with elevated operational chilled water temperatures due to relaxed hall conditions and direct to chip liquid cooling. ▪ Static battery UPS systems to minimise standby energy losses. ▪ Rooftop solar PV system with estimated capacity of 230kWe generating approximately 303,000 kWh annually for on-site use. ▪ LED lighting with occupancy sensors and dimming controls to minimise energy use. ▪ Comprehensive energy metering and sub-metering of major plant for performance tracking. ▪ Targeting a NABERS Energy (Infrastructure) rating of 5 stars with a PUE of 1.3 annual average – representing an improvement over the national average of 1.6. ▪ Commitment to 100% renewable electricity procurement for data hall operations, use of very low GWP refrigerants, and consideration of renewable diesel alternatives for backup generation – collectively	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		capable of reducing Scope 1 emissions and eliminating associated Scope 2 emissions compared to baseline performance. **Water efficiency and WSUD** ▪ Air-cooled chillers used for heat rejection that do not consume water in operation leading to effectively zero water use in regular operation for the data centres. ▪ Reduced cooling loads from elevated temperature setpoints and direct-to-chip cooling. ▪ Water-efficient fixtures and fittings selected to maximise WELS ratings. ▪ Low- or zero-irrigation landscaping using endemic drought-tolerant species. ▪ Building-level and sub-metering for water consumption monitoring. **Materials and waste** ▪ Construction and demolition waste management plan to maximise diversion from landfill. ▪ Use of concrete mixes with supplementary cementitious materials to reduce embodied carbon. ▪ Structural steel and reinforcement with high recycled content. ▪ Durable, low-maintenance materials to extend service life and reduce replacement needs.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		Urban heat mitigation ▪ High-reflectivity external finishes to minimise heat absorption and contribute to cooler surrounding temperatures. ▪ Over 20% of the site landscaped with deep soil planting to provide shading and evapotranspiration cooling. ▪ Evaporative heat rejection with vertical discharge to minimise localised temperature increases. ▪ Significant separation from sensitive receivers, with nearest residences located more than 300 metres away.	
	(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.	A revised Embodied Emissions Materials Form has been prepared for the amended project.	**Appendix ZL**.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
4.22 Airspace operations	(3) Development consent must not be granted to development to which this section applies unless— (a) the consent authority has consulted the relevant Commonwealth body, and (b) the relevant Commonwealth body advises the consent authority that— (i) the development will penetrate the prescribed airspace but it does not object to the development, or (ii) the development will not penetrate the prescribed airspace.	The site is subject to Obstacle Limitation Surface (OLS) controls for Western Sydney Airport under Chapter 4 of the Precincts SEPP, which restrict development to a maximum RL of 230.5 m AHD. The proposed buildings, as amended, will continue to achieve a maximum RL of 82.34m AHD, well below the prescribed airspace. Consultation with the relevant Commonwealth body is therefore not required.	**Section 3.1** **Appendix E**

State Environmental Planning Policy (Industry and Employment) 2021

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
2.2 Land to which Chapter applies	(1) Except as provided in subsection (2), this Chapter applies to the land identified on the Land Application Map.	The data centre site and a small area of the HV cabling route is located within the Western Sydney Employment Area as defined by the I&E SEPP. Accordingly, Chapter 2 of the I&E SEPP applies to this part of the project site.	**Section 3.4.1**
2.10 Zone objectives and land use table	**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 proposed development, as amended, remains consistent with the zone objectives, for the following reasons: ▪ The proposal delivers an employment-generating enterprise that is compatible with the intended character of the WSEA, providing both construction-phase jobs and long-term skilled employment. ▪ The site benefits from direct access to Lockwood Road and excellent connectivity to the M7 and M4 corridors, aligning with the strategic intent of locating employment development along key transport infrastructure. ▪ The built form and landscape design respond positively to the site context, incorporating façade articulation, landscape buffers and ESD initiatives to ensure a high standard of development that minimises environmental impact. ▪ The development has been designed to avoid adverse impacts on sensitive adjoining uses, including the Ropes Creek Corridor and	**Section 3.4.1** and throughout the Amendment Report

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	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.	nearby residential areas, thereby maintaining land use harmony and protecting environmental values. ▪ The proposal contributes to the State's strategic vision for the WSEA as a nationally significant employment and technology hub, complementing major government and private investment in industrial and digital infrastructure. ▪ The proposed HV route will be partly constructed on IN1 zoned land outside of the site, on Lenore Drive. The HV works are ancillary to the primary data centre land use and are, therefore, also considered permissible with consent on the IN1 land.	
	2 Permitted without consent Nil.	N/A to this project.	N/A
	3 Permitted with consent Building identification signs; Business identification signs; Depots; Environmental facilities; Environmental protection works; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries (other than offensive or hazardous industries); Neighbourhood shops; Places of public	This SSDA seeks consent for development on the site for the purpose of a data centre. A 'data centre' is defined in the *Standard Instrument—Principal Local Environmental Plan* (**Standard Instrument**) as follows: ***data centre*** *means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.* Data centres are a type of 'high technology industry' which, in turn, is a type of 'light industry' as defined in the Standard Instrument. 'Industries	**Section 3.1** **Section 3.4.1**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	worship; Recreation areas; Recreation facilities (indoor); Roads; Service stations; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres.	(other than offensive or hazardous industries)' are permitted with consent in the IN1 zone under Chapter 2 of the I&E SEPP. Ancillary office space and supporting infrastructure / utilities are also proposed as part of this application. These uses are subordinate or subservient to the dominant use in accordance with Planning Circular PS 21-008 ('How to characterise development') and outlined in detail in the Amendment Report. Accordingly, the office and supporting floor space components are also permitted under the 'data centre' use. Consistent with the above, the HV connection is to be delivered in association with the proposed data centre and, accordingly, is considered ancillary to the primary use. It is therefore permissible on the IN1 zoned land within the Lenore Drive road reserve. Further, as the data centre project is classified as State Significant Development, the HV works in the E2 zone may be granted consent as 'partly prohibited' works as part of an SSD project, in accordance with Section 4.38 of the EP&A Act.	
	4 Prohibited Any development not specified in item 2 or 3.	No prohibited uses are proposed as part of this development.	**Section 3.1** **Section 3.4.1**
	Zone E2 – Environmental Conservation **1 –Objectives of zone**	The proposed HV cabling route has been designed to avoid adverse impacts on land within the E2 Environmental Conservation zone. In particular, the crossing of Ropes Creek is proposed to be undertaken by	**Section 3.1** **Section 3.4.1**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	▪ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. ▪ To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	horizontal directional drilling beneath the creek corridor, rather than by open trenching, such that surface disturbance within this sensitive area is avoided. Detailed assessments contained in the Amendment Report and supporting technical documentation confirm that the HV cabling works will not result in adverse impacts on ecological, scientific, cultural or aesthetic values. The amended proposal is also supported by a BDAR Waiver Request, which concludes that the works will not adversely affect biodiversity values. No tree or vegetation removal is required for the Ropes Creek crossing. The Groundwater Impact Assessment also confirms that the proposed HDD crossing will not give rise to adverse groundwater impacts. On this basis, the proposed HV cabling route is consistent with the objectives of the E2 zone, as it avoids direct disturbance to environmentally sensitive land and will not adversely affect the values the zone seeks to protect.	
	2 – Permitted without consent Nil.	N/A to this project.	N/A
	3 – Permitted with consent		**Section 3.1**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	Artificial waterbodies; Environmental facilities; Environmental protection works; Flood mitigation works; Roads. **4 – Prohibited** Any development not specified in item 2 or 3.	'Industries', 'high-tech industries' or 'data centres' are not permitted on that part of the land which is zoned E2 Environmental Conservation. Despite this, Section 4.38(3) of the EP&A Act provides that: *development consent may be granted despite the development being partly prohibited by an environmental planning instrument.* The proposed HV connection works can therefore be granted consent despite being prohibited in the E2 Environmental Conservation zone, given the environmental impacts are assessed to be acceptable / minimal in line with the zone objectives.	**Section 3.4.1**
2.17 Requirement for development control plans	(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 to which this Chapter applies unless a development control plan has been prepared for that land.	Part E6 Erskine Business Park of the Penrith DCP 2014 has been prepared for the land and is addressed later in this document.	**Appendix B** (this document)
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—	The most significant change to the project's ESD strategy relates to industrial water use. Since exhibition of the EIS, the heat rejection system has been revised from an evaporative system to a fully air-cooled system, resulting in the removal of the previously proposed 23 industrial water tanks.	**Section 3.5.2.3** **Appendix ZE** **Appendix ZI**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(a) the consumption of potable water, and (b) greenhouse gas emissions.	The adoption of an air-cooled system eliminates the need for water in heat rejection, substantially reducing reliance on potable water infrastructure, improving operational resilience and reducing maintenance requirements. As a result, the development will achieve an annual average Water Usage Efficiency (**WUE**) approaching zero, representing a significant improvement on the industry benchmark of 1.73. **Water efficiency and WSUD** ▪ Air-cooled chillers used for heat rejection that do not consume water in operation lead to effectively zero water use in regular operation for the data centre. ▪ Reduced cooling loads from elevated temperature setpoints and direct-to-chip cooling. ▪ Water-efficient fixtures and fittings selected to maximise WELS ratings. ▪ Low- or zero-irrigation landscaping using endemic drought-tolerant species. ▪ Building-level and sub-metering for water consumption monitoring. **Energy and greenhouse gas emissions**	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		▪ High-performance building fabric, glazing and shading to reduce thermal loads, with low absorptivity/high SRI finishes to limit heat gain. ▪ Elevated data hall cooling setpoints, relaxed humidity control and direct-to-chip liquid cooling to maximise mechanical efficiency. ▪ High-efficiency chiller plant through modern compressor technology coupled with elevated operational chilled water temperatures due to relaxed hall conditions and direct-to-chip liquid cooling. ▪ Static battery UPS systems to minimise standby energy losses. ▪ Rooftop solar PV system with estimated capacity of 230kWe generating approximately 303,000 kWh annually for on-site use. ▪ LED lighting with occupancy sensors and dimming controls to minimise energy use. ▪ Comprehensive energy metering and sub-metering of major plant for performance tracking. ▪ Targeting a NABERS Energy (Infrastructure) rating of 5 stars with a PUE of 1.3 annual average – representing an improvement over the national average of 1.6. ▪ Commitment to 100% renewable electricity procurement for data hall operations, use of very low GWP refrigerants, and consideration of renewable diesel alternatives for backup	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		generation – collectively capable of reducing Scope 1 emissions and eliminating associated Scope 2 emissions compared to baseline performance.	
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.	There is no statutory building height control that applies to the site under any EPI. While the Penrith DCP 2014 includes a 15-metre height control as a guideline for industrial development in Erskine Park, DCP provisions do not strictly apply to State Significant Development. The proposed maximum building height of 26.5 metres arises from the functional and operational requirements of a hyperscale data centre, which necessitate vertical stacking of technical floors, plant levels, and mechanical infrastructure. This vertical arrangement is essential to deliver efficiency, resilience, and security, and cannot be achieved within the scale typically applied to warehouse or logistics development. Although the proposal exceeds the DCP guideline, the design ensures there are no adverse amenity impacts. The VIA demonstrates nil to low–medium levels of impact from residential areas to the north. Perceived bulk is reduced by recessed upper office levels, façade articulation, material variation, and the retention and reinforcement of the landscaped berm along Lenore Drive, which provides effective screening and integrates the development with the industrial character of the Erskine Business Park.	**Section 3.1,** **Section 3.5.1.1** **Section 3.5.1.2** **Appendix E** **Appendix F** **Appendix ZH**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		Shadow diagrams confirm that overshadowing is minor, limited to the early morning or late afternoon period, and contained within the site and adjoining industrial lands, with no impacts on nearby residential areas. The design also responds to topography by retaining and enhancing the berm, accommodating level changes across the site, and positioning bulk centrally to reduce visual prominence from public vantage points. Accordingly, the proposed building height is considered acceptable, given the absence of any statutory height control and that the proposal does not result In any adverse amenity impacts to residential areas.	
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.	The amended proposal includes comprehensive water management initiatives, with roof areas designed to capture and direct stormwater to on-site detention and reuse systems. Collected roof water will be treated and reused where appropriate, including for irrigation and other non-potable uses, thereby reducing reliance on potable supply. As the cooling system does not rely on water consumption, the 23 originally proposed industrial water tanks are no longer required.	**Section 3.2.6** **Appendix ZE** **Appendix ZK**
2.22 Development adjoining residential land	(1) This section applies to any land to which this Chapter applies that is within 250 metres of land zoned primarily for residential purposes.	At the shortest direct distance (from the north-eastern corner of the site), the site is within 250 metres of land zoned R2 Low Density Residential and, accordingly, this section of the I&E SEPP applies.	**Appendix B** (this document)

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(2) The consent authority must not grant consent to development on land to which this section applies unless it is satisfied that— (a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and (b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and (c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and (d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and	(a) The development is located within an established industrial precinct, separated from residential areas by Lenore Drive and existing vegetated buffers. There are no residential buildings immediately adjoining the site. While the building height (26.5m) exceeds the DCP guidance, there is no statutory height limit, and the scale has been carefully designed to respond to the topography and existing landscape berms. Shadow diagrams and the VIA confirm that the proposal does not result in adverse amenity or visual impacts on residential receivers. Additional analysis of visual impacts from the northern residential dwellings is provided as an appendix to the VIA, in response to DPHI comments. (b) All plant and equipment will either be contained within the building footprints or located in designated, screened areas. The substation yard is a maximum of 4 metres in height and will be screened from Lenore Drive and residential areas to the north by the retained landscaped berm. The generator gantry will be positioned at the south-eastern corner of the site, furthest from residential land, and is screened from view by intervening buildings. Roof-mounted plant will be recessed and shielded by parapets and louvres. (c) The northern elevation is the main façade visible from residential areas to the north. It has been designed with a glazed office frontage and recessed upper levels to reduce bulk and prominence. Articulation, material variation and the landscaped berm along Lenore Drive further	**Section 3.5.1** **Appendix E** **Appendix F** **Appendix M** **Appendix U** **Appendix ZH**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and (f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and (g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	soften views and ensure the building presents an attractive appearance. (d) The revised NVIA prepared as part of this amended application finds that the predicted operational level of the proposed development complies with, and will remain under, the project noise objectives as set out by the NSW EPA, in both day and evening scenarios. Additional analysis is provided in the revised NVIA, including detailed responses to comments received from DPHI and the NSW EPA. (e) The proposal will operate on a 24/7 basis; however, staffing levels are low and vehicle trips are minimal, meaning the facility will not generate significant noise, traffic, or parking impacts. Security and operational lighting will be designed in accordance with AS4282 to avoid glare or spill to residential areas. Consequently, the development will not cause nuisance to residents in relation to hours of operation, traffic, lighting or other activities. (f) The proposal continues to include 78 on-site car parking spaces, three motorcycle bays and 30 secure bicycle spaces. This supply exceeds the demand generated by the low staff numbers and shift-based operations of the facility, ensuring there will be no reliance on on-street parking. (g) The revised scheme provides more than 15,800m² of deep soil planting (20.5% of the site area) and delivers approximately 10.59% canopy cover. The amended proposal will retain the landscaped berm	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		along Lenore Drive and incorporates generous landscaped setbacks to all site boundaries. Large canopy trees and layered native planting will be used to reinforce screening, soften built form, reduce heat island effects and enhance visual amenity from the public domain and nearby residential areas.	
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, (c) the supply of natural gas, (d) the disposal and management of sewage.	A revised Infrastructure Requirements Report accompanies the Amendment Report which confirms existing infrastructure is readily available or can be augmented to cater for the utility needs of the proposal.	**Appendix N**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
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.	(a) The development has been designed to achieve a contemporary and functional built form outcome, with architectural articulation, modulation, and façade treatment that enhances visual interest and breaks down building bulk. The design has been informed by best practice data centre typologies, ensuring efficiency and long-term adaptability. (b) The external façades incorporate a mix of materials and finishes, including precast concrete, metal cladding, glazing, and feature screening. This palette provides visual richness, highlights building articulation, and establishes a coherent architectural identity consistent with the precinct's emerging character. (c) The amended proposal includes generous landscaped setbacks, over 15,800m² of deep soil planting (20.5% of the site area), and extensive canopy tree planting along site frontages and boundaries. This approach delivers high levels of amenity, visual screening, urban heat mitigation, and contributes to the broader greening of the precinct. (d) The amended proposal remains consistent with the scale, bulk, and form of other large-format employment-generating uses within the precinct. The building massing and façade design are compatible with the industrial character of the locality, while the proposed landscape treatments soften the interface with the public domain and adjoining land uses.	**Section 3.2** and **3.5.1.1** **Appendix E** **Appendix F**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
2.40 Earthworks	(3) Before granting development consent for earthworks, the consent 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,	(a) The proposed earthworks are relatively minor, and impacts will be mitigated through implementation of an erosion and sediment control plan. Detailed geotechnical investigations confirm the site is suitable for the amended proposal and will not result in any adverse impacts on soil stability or drainage patterns in the locality. (b) The proposed earthworks will facilitate the intended use of the land for industrial, employment-generating development. The earthworks will not preclude future redevelopment of the land. (c) All fill material will comply with relevant EPA and Council guidelines. Excavated soils will be assessed and managed in accordance with relevant standards to ensure environmental suitability. (d) The scale and nature of earthworks are not expected to result in adverse amenity impacts. A Construction Environmental Management Plan (**CEMP**) will be prepared which will contain measures including dust suppression, noise management, and traffic controls to ensure impacts are minimised. (e) Any imported fill will be sourced from approved suppliers and certified as Virgin Excavated Natural Material (**VENM**) or Excavated Natural Material (**ENM**). (f) An ACHAR and has been prepared which includes appropriate measures, including unexpected finds procedures, to manage any potential discoveries.	**Section 3.2.2** and **3.5.1.10** **Appendix C** **Appendix S** **Appendix T** **Appendix ZA**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(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.	(g) The site is located next to the Ropes Creek corridor. The proposal has been designed so that it does not cause adverse impacts on the creek or surrounding environment. Erosion and sediment controls will be in place during construction to prevent runoff, and new landscaping along the creek edge will provide additional buffering. The works will not affect water quality, drinking water catchments, or sensitive environmental areas. (h) Mitigation measures relating to proposed earthworks are detailed in the Geotechnical Investigation, Salinity Management Plan, and Groundwater Impact Assessment reports accompanying the original EIS and this Amendment Report. This includes erosion and sediment control, dust suppression, noise controls, and strict compliance with the approved CEMP. (i) N/A -the site is not located within close proximity to any listed heritage item, archaeological site, or conservation area. No adverse heritage impacts are anticipated. (j) The site is not readily visible from Ropes Creek due to existing vegetation and the setback provided along the corridor. Any temporary visual impacts from earthworks will be minimal and short-term.	
2.41 Development on flood prone land	(1) This section applies to development requiring consent that is carried out on flood prone land.	The site adjoins Ropes Creek, with a small portion of the south-eastern corner of 78 Lockwood Road identified as flood-prone within the 1% AEP flood fringe. 212m^2 of the development footprint will be located within the 1% AEP flood extent, and 411m^2 of the development footprint will be	**Section 3.5.2.2** **Appendix ZD**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(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 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	located within the PMF extent. However, it is found that the encroachment of development works within these flood extents is limited to the existing vegetated embankment slope. Accordingly, it is found that the impact to flood storage and flood behaviour would be negligible due to the minimal displacement of water. Updated flood modelling, based on a Flood Level Enquiry for the site provided by Penrith City Council, confirms that the proposed finished platform level, as amended, remains well above both the 1% AEP and PMF hazard thresholds. The amended development footprint will remain free from inundation in all modelled events, ensuring continued protection for the data centre's operational and critical infrastructure areas. The proposed works will maintain existing overland flow paths along Lockwood Road and preserve the performance of the local drainage network. The modelling found no measurable increase in flood levels, velocities or hazard categories on neighbouring properties or elsewhere in the catchment. The proposed development remains appropriately sited and designed to avoid adverse flood impacts. The finished platform level and drainage design will ensure the facility remains free from inundation during all modelled flood events, while maintaining existing flow paths and avoiding any detrimental effects on neighbouring properties or the	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(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.	broader floodplain. Based on the assessment, a Flood Emergency Response Plan is not required.	
2.42 Heritage conservation	(1) Objectives The objectives of this section are as follows—	The site is not identified as a heritage item, is not located within the vicinity of any heritage item and has been previously subject to substantial earthworks under approval DA19/0818.	**Section 6.14** of the original EIS

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(a) to conserve the environmental heritage of the Western Sydney Employment Area, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	An ACHAR has been prepared confirming there are no areas of high Aboriginal cultural heritage sensitivity within the data centre site, and includes appropriate management measures to address any potential discoveries.	**Section 3.5.2.5** of the Amendment Report **Appendix ZA**

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	A revised Integrated Water Management Plan (**IWMP**) has been prepared by ACOR to account for minor design amendments associated with the updated data centre layout, including the introduction of a retaining wall along the southern and eastern boundaries. The updated IWMP continues to address potable water, non-potable water, stormwater and wastewater, and incorporates water sensitive urban design (**WSUD**) principles, integrating stormwater, flooding and riparian considerations consistent with the objectives of this provision. The overall water management approach remains consistent with that originally proposed and continues to align with the design parameters of the regional on-site detention (**OSD**) basin and water quality treatment train approved under subdivision consent DA19/0818. The proposed built form remains within the 85% impervious limit, with a total impervious area of approximately 79.5%, such that runoff from the site can be accommodated within the existing regional basin. No on-site detention is therefore required. The existing precinct-wide stormwater management system, designed and validated at the subdivision stage using DRAINS and MUSIC modelling, has sufficient capacity to manage flows and achieve pollutant load reduction targets. Stormwater from the development will be conveyed via a new pit and pipe drainage network designed for the minor event, inclusive of climate change allowance, with safe overland flow paths provided for major storm events. Updated MUSIC modelling confirms that no additional on-lot treatment train is required. However, the existing gross pollutant trap will be replaced with two OceanProtect GPT units at the downstream end of the	**Section 3.5.1.7** **Appendix ZJ** **Appendix ZK**

(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, 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.

internal drainage network, maintaining estate-level water quality performance.

The IWMP also incorporates revised rainwater harvesting measures, including two 250 kL rainwater tanks capturing approximately 50% of roof runoff for non-potable uses such as toilet flushing and irrigation. This is expected to meet approximately 73% of annual non-potable demand and, in combination with the adoption of an air-cooled (waterless) system, significantly reduces reliance on potable water.

Wastewater will be discharged to the Sydney Water sewer network under a trade waste agreement.

During construction, potential impacts relate to sediment and pollutant mobilisation from earthworks, materials handling and vehicle movements. These risks will be effectively managed through implementation of a Construction Erosion and Sediment Control Plan in accordance with the Blue Book, including measures such as sediment fencing, stabilised site access, inlet protection and progressive stabilisation. This will prevent uncontrolled runoff and protect the adjacent Ropes Creek biodiversity corridor.

The IWMP also outlines an ongoing maintenance regime for stormwater infrastructure, water quality devices and rainwater tanks. Collectively, these measures ensure that the development avoids adverse impacts on adjoining land, riparian areas, waterways, groundwater systems and ecological values, while supporting improved water efficiency and sustainable water management outcomes.

Blacktown Local Environmental Plan 2015

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
Part 2 Permitted or prohibited development	**Zone SP2 Infrastructure (Electricity Transmission & Distribution)** **1 – Objectives of zone** ▪ To provide for infrastructure and related uses. ▪ To prevent development that is not compatible with or that may detract from the provision of infrastructure. ▪ To ensure that development does not have an adverse impact on the form and scale of the surrounding neighbourhood.	The eastern extent of the proposed HV cabling route, external to the data centre site, will be established on a small strip of land which is zoned SP2 Infrastructure (Electricity Transmission & Distribution) under the Blacktown LEP 2015. The proposal will demonstrate consistency with the objectives of the SP2 zone, for the following reasons: ▪ Development of the data centre on the 78 Lockwood Road site will provide for critical infrastructure which will support the ongoing growth of the WSEA and the broader economic catchment. The establishment of the HV route within the SP2 site is a necessary component which will enable the delivery of infrastructure. ▪ The proposed HV cable comprises a dedicated transmission line serving only the STACK data centre site from dedicated feeder bays within the TransGrid site. There will therefore be no impacts on any other part of the electricity network. ▪ The data centre development is subject to a rigorous assessment of impacts, contained in the original EIS and in the Amendment Report. It is found that the data centre site – which is not proposed on the SP2 land – will have a form and scale which is compatible with the surrounding area which is characterised by large-format industrial and other related uses.	**Section 3.2.1**, **3.4.1** and **3.5**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	2 – Permitted without consent Environmental protection works; Flood mitigation works	N/A to this project.	N/A
	3 – Permitted with consent Aquaculture; Roads; Signage; The purpose shown on the *Land Zoning Map*, including any development that is ordinarily incidental or ancillary to development for that purpose	'Industries', 'high-tech industries' or 'data centres' are not permitted in the SP2 Infrastructure (Electricity Transmission & Distribution) zone under the Blacktown LEP 2015. Despite this, Section 4.38(3) of the EP&A Act provides that: *development consent may be granted despite the development being partly prohibited by an environmental planning instrument.* As the data centre project is classified as State Significant Development, the HV works in the SP2 zone may be granted consent as 'partly prohibited' works as part of an SSD project, in accordance with Section 4.38 of the EP&A Act.	**Section 3.2.1** and **3.4.1**
	4 – Prohibited Any development not specified in item 2 or 3		
5.10 Heritage conservation	(1) Objectives The objectives of this section are as follows— (a) to conserve the environmental heritage of Blacktown, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	No part of the area which is subject to the external HV cabling route is identified as a heritage item. The area is not within any identified Heritage Conservation Area and is not located within the vicinity of any heritage items. Accordingly, the proposed external HV cabling route will not result in any impacts on built heritage. An ACHAR Addendum has been provided to assess the potential Aboriginal archaeological impacts of the proposed external HV route. The ACHAR Addendum assesses that the Aboriginal archaeological	**Appendix ZS**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	(c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	potential of this area of the project is very low owing to historical land use patterns and high ground disturbance and therefore concludes that the proposed HV cabling works are unlikely to cause any harm to Aboriginal objects.	

Penrith Development Control Plan 2014

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
E6 Erskine Business Park			
6.3 Site Development and Urban Design			
6.3.1 Height	2) The maximum height for buildings and structures in the Southern Area shown in Figure E6.1 shall not exceed 15m.	The proposed data centre development includes two three-storey hyperscale data centre buildings with a maximum height of 26.5 metres, as well as a generator gantry of equivalent height with flues extending marginally higher. This exceeds the 15-metre maximum height control identified for the Southern Area in the DCP. It is important to note that no statutory LEP height control applies to the site. The 15-metre limit derives from the Penrith DCP 2014 and related planning framework for the Erskine Park Industrial Precinct, which does not apply with statutory force to State Significant Development. In this context,	**Section 3.2.2** and **3.5.1.1** **Appendix E** **Appendix F** **Appendix ZH**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		the relevant assessment is based on merit, having regard to the suitability of the proposal in its setting and the objectives of the planning framework. The additional height is a direct and unavoidable response to the operational requirements of a hyperscale data centre. Such facilities must accommodate stacked technical floors, large mechanical plant, vertical cabling and distribution systems within a secure and consolidated footprint. These requirements cannot be achieved within a 15-metre envelope without undermining the efficiency, resilience and security of the centre. The design has incorporated mitigation measures to reduce the perception of bulk and ensure an appropriate visual outcome. A recessed upper office level, façade articulation, rooftop screening, vertical and horizontal modulation, and varied materials all assist in breaking down massing. The amended development also continues to provide substantial landscaped setbacks, a continuous landscaped berm and deep soil planting, which contain and soften views of the built form and integrate the facility into the broader industrial character of the precinct. As a result of refinements to the building footprint and layout, the overall site coverage has reduced from 57.04% to 56.07%, which further helps to mitigate perceived bulk and scale The VIA confirms that views from surrounding residential areas and public vantage points will experience nil to low–	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		medium impacts, with the buildings generally reading as a conventional three-storey form when viewed from Lenore Drive. Importantly, the height exceedance does not give rise to any unacceptable amenity impacts. Given the site's separation from nearby residential areas and the generous landscaped setbacks provided, the additional height does not result in overshadowing of sensitive receivers or adjoining properties. The proposal also does not create any issues of visual privacy, as there are no directly adjoining residential dwellings that would be overlooked, and office components are orientated towards Lenore Drive with views filtered by landscaping. In this way, the amenity of surrounding land uses is preserved notwithstanding the additional building height. On this basis, while the proposal does not comply with the numerical 15-metre height limit, the variation is justified. The increased height is a functional necessity of the use, the DCP control does not apply with statutory effect to the SSD, and the amended design outcome ensures that visual and amenity impacts are appropriately mitigated. The development therefore achieves the intent of the control and is considered acceptable in its context.	
6.3.2 Site Coverage	1) Site coverage shall not exceed 50%	Site coverage has been slightly reduced in this amended scheme as compared to the original proposal, as a result of refinements to building footprint and layouts. The amended data centre development results in a total site coverage of approximately 56%, which marginally exceeds the 50% maximum site coverage control identified under the DCP.	**Section 3.2.2** and **3.5.1.1** **Appendix E** **Appendix F**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		This non-compliance arises from the operational requirements of a hyperscale data centre. Such facilities require large contiguous building footprints to accommodate data halls, supporting mechanical plant and associated infrastructure within a secure and consolidated site arrangement. Delivering the required floor space within a reduced coverage would necessitate additional building height or an expanded development footprint, both of which would result in less desirable environmental and urban design outcomes. Despite the exceedance, the proposal provides substantial open space, deep soil planting and landscaping, which together ensure a balanced site layout. More than 15,800m² of deep soil planting (20.5% of the site area) is proposed, substantially above DCP requirements and representing an increase in comparison to the original proposal, facilitating the establishment of large canopy trees and meaningful landscape screening. This is further reinforced by the retention of the existing landscaped berm along Lenore Drive and generous setbacks to all public frontages, which together provide a strong green edge and effectively mitigate any potential impacts arising from the increased building footprint. Importantly, the exceedance does not generate any adverse amenity impacts. The bulk of the buildings is visually contained within the industrial character of the precinct and does not affect solar access, overshadowing or privacy outcomes for surrounding uses. Traffic, access and circulation assessments also confirm that the proposed site layout is functional and safe notwithstanding the minor exceedance in site coverage.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		On this basis, the variation is justified. The additional coverage is a functional necessity of the use and has been balanced with significant landscape provision and amenity outcomes. The amended development therefore achieves the intent of the control and is considered acceptable in its context.	
6.3.3 Setbacks	1) The setback standards are outlined below: ▪ Northern Access Road (Lenore Drive) – 20m ▪ Other Road Frontages (Lockwood Road, south) – 15m ▪ Boundary Adjacent E2 Environmental Conservation zone along the Ropes Creek Corridor. (east) – 10m ▪ Side Boundary (west) – 5m	The amended proposal generally complies with the intent of the DCP setback controls. Along Lenore Drive (north), the DCP requires a 20-metre setback. At the north-west corner, a minimum setback of 13.17 metres is provided (consistent with the original proposal); however, this area remains heavily screened by the existing landscaped berm, deep soil planting and recessed upper levels, which significantly reduce perceived bulk. Moving east, the setback increases to more than 28.3 metres to the substation and exceeds 50 metres to the eastern building, with a 20-metre landscaped setback maintained across the majority of the frontage. While a minor technical non-compliance occurs at the pinch point, the overall frontage comfortably achieves the intent of the control. Along the western boundary, the setback has increased from a minimum of 8.5 metres to up to 18.49 metres across much of the boundary, facilitated by the removal of the water tanks and replacement with landscaping. This exceeds the DCP requirement of 5 metres and represents a clear improvement in building separation and landscape outcome.	**Section 3.2.3** and **3.5.1.1** **Appendix E**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		To the east, adjoining the C2 land and Ropes Creek corridor, the setback to the generator gantry has reduced from 10.2 metres to 8.81 metres. However, the setback to the eastern data centre building has increased from 13.2 metres to 15.35 metres due to the westward shift, and the substation setback of 10 metres remains unchanged. On balance, the eastern interface continues to provide a generous buffer to the adjoining environmental land. Along Lockwood Road (south), where the DCP requires a 15-metre setback, setbacks range from 12.62 metres to 19.11 metres. While a small portion falls marginally below the numerical requirement, the overall interface incorporates substantial landscaping and circulation space, maintaining the intended visual separation and streetscape character. Overall, the combination of increased setbacks in key locations, deep soil planting, the continuous landscaped berm along Lenore Drive, and generous separation to adjoining land uses ensures that the minor variations do not result in adverse amenity or visual impacts. The development is therefore considered to generally comply with, and appropriately respond to, the intent of the DCP setback controls.	
	4) Existing remnant vegetation within front, rear and side setback areas shall be retained and enhanced as an integral part of the landscaping proposals for each development.	The site has been previously cleared of vegetation, under development consent DA/19/0818. Substantial new deep soil zones and canopy planting within all setback areas will integrate with the existing vegetation, reinforcing screening, improving amenity, and contributing to the landscaped character of the site.	**Section 3.2.3** and **3.5.1.4** **Appendix K**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	5) Where sites back onto designated roads or the main access roads, those setback areas shall be provided with mounded landscape screens. Existing remnant vegetation shall be retained and enhanced as part of those landscaping proposals.	The existing berm at the Lenore Drive frontage, created under development consent DA/19/0818, will continue to be maintained and embellished with new landscaping as part of the amended proposal.	**Section 3.2.3** and **3.5.1.4** **Appendix K**
6.3.4 Urban Design and 6.5	**Architectural/Design** 1) In assessing development proposals, Council will have regard to the quality of building design and materials (type and colour).	The proposal continues to incorporate a high-quality architectural design with carefully selected materials and finishes that balance durability with visual appeal. Materials have been chosen to complement the surrounding employment context and contribute to a cohesive built form outcome.	**Section 3.2.3, 3.5.1.1** and **3.5.2.3** **Appendix E** **Appendix F** **Appendix ZE**
	2) Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit. The construction of large, blank wall surfaces is not permitted.	The prominent Lenore Drive and Lockwood Road elevations continue to incorporate articulation, varied materials and extensive landscaping to deliver a building form of architectural merit. In particular, the Lenore Drive frontage includes the glazed office façade, which provides activation and visual interest at the primary frontage. Blank walls are avoided, with façades broken up through modulation, glazing and landscape screening.	
	3) Large unrelieved expanses of wall or building mass will not be supported by Council, and as such should be broken	The overall building mass is reduced by separating the development into two data centre buildings, rather than one large structure, which breaks down bulk and scale across the site. Each building incorporates a recessed	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	up by the use of suitable building articulation, fenestration or alternative architectural enhancements.	office upper level, varied materiality, vertical and horizontal modulation, and landscape buffers, ensuring that large unrelieved wall expanses are avoided and the perception of bulk from the public domain is minimised.	
	4) The use of large, uninterrupted areas of metal cladding or untreated concrete surfaces for wall construction is not supported. Applicants shall vary materials or finishes for external walls to provide attractive streetscapes and quality building designs. Council may limit the use of a single construction material to 50% of a wall surface area.	External façades employ a mix of high-quality finishes, including textured precast panels, metal cladding in muted tones, and glazed elements. No single material dominates, ensuring visual interest and compliance with the intent of the control.	
	5) All loading areas should be located towards the rear of allotments. Where possible, loading areas should be screened from the view of main road frontages through physical and/or vegetation screening.	Loading and servicing are internalised on the lower ground level beneath the upper-ground deck, with dedicated docks on the northern side of each building. All loading/unloading occurs wholly within the site and is segregated from passenger vehicles via the internal loop road. The loading docks are effectively screened from Lenore Drive by the intervening landscaped berm, substantial planting, and the substation, ensuring they are not visible from the main road frontage and therefore satisfy the intent of the control.	
	6) Details of samples of external materials and finishes shall be	An external material and finishes schedule is included in the architectural documentation submitted with the application.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	submitted with the Development Application.		
	7) External materials should not have an index of reflectivity above 20%.	All proposed finishes comply with reflectivity requirements.	
	8) Energy efficient design principles should be employed in all building designs.	The following design measures are proposed to provide an energy efficient development: ▪ High-performance building fabric, glazing and shading to reduce thermal loads, with low absorptivity/high SRI finishes to limit heat gain. ▪ Elevated data hall cooling setpoints, relaxed humidity control and direct-to-chip liquid cooling to maximise mechanical efficiency. ▪ High-efficiency chiller plant through modern compressor technology coupled with elevated operational chilled water temperatures due to relaxed hall conditions and direct to chip liquid cooling. ▪ Rooftop solar PV system with estimated capacity of 230kWe generating approximately 303,000 kWh annually for on-site use. ▪ LED lighting with occupancy sensors and dimming controls to minimise energy use. ▪ Use of concrete mixes with supplementary cementitious materials to reduce embodied carbon. ▪ Structural steel and reinforcement with high recycled content.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		▪ Durable, low-maintenance materials to extend service life and reduce replacement needs. ▪ High-reflectivity external finishes to minimise heat absorption and contribute to cooler surrounding temperatures.	
	9) Walls shall be articulated to provide more varied streetscapes, where visible from public roads or adjacent residential areas.	The buildings continue to adopt a linear form with a modular configuration optimised for operational efficiency. Bulk is moderated through façade modulation, vertical and horizontal panels, and material variation. Office elements along Lenore Drive introduce a human scale and visual interest to the public domain interface. The configuration continues to maintain a functional separation between public-facing office components and secure operational areas.	
	10) Part of the cross-section of buildings shall be projected to reduce apparent height and scale of external walls, including: a) awnings and/or upper storeys that project above footpaths; b) roofs with eaves that project beyond external walls; c) colonnades.	The design incorporates modulation of the upper levels, and façade recesses that reduce the perceived height and scale of walls.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	11) Entrances to buildings must be highlighted by architectural features consistent with the overall design of the building.	The building entrances are clearly expressed with glazing and architectural detailing, ensuring legibility and consistency with the overall design theme.	
	12) Particular care should also be taken in: a) designing roof elements; and b) locating plant and mechanical equipment including exhausts, so as to reduce their visual impact from elevated locations.	The proposal has given careful consideration to the design and treatment of roof elements, ensuring that the built form presents a cohesive and integrated appearance. Rooflines are designed to be simple and consistent, avoiding unnecessary bulk or visual clutter when viewed from public areas. Plant and mechanical equipment, including exhausts, have been carefully located and screened to minimise their visibility from Lenore Drive, Lockwood Road and surrounding elevated locations. These services are either recessed within roof forms, positioned away from key public interfaces, or concealed by intervening built form and landscaping. As a result, the development achieves a high-quality presentation to the public domain while mitigating potential visual impacts associated with roof elements and mechanical plant.	
	13) External material colours to be consistent with the following palette of colours developed for Erskine Business Park:	The proposed external finishes incorporate cool tones such as greys and blues, consistent with surrounding development within the Erskine Business Park.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	a) Earth Tones - stone colours, browns, muted greens, sand, dark red/ plums; and b) Cool Tones - soft greys, grey/blues.		
	Siting/Building Orientation 1) Building elevations oriented towards residential areas shall be minimised. Where site constraints create difficulties in complying in this regard, elevations shall be appropriately detailed using windows, broken building planes and other architectural devices.	The site is located within an established employment area, with the nearest residential properties more than 300m to the north. As such, building elevations do not directly interface with residential areas. The proposal has been designed to orient façades towards the primary road frontages and internal circulation areas, supported by generous setbacks and substantial landscaped buffers. In addition, articulation, a recessed upper level and varied materials break up building planes and avoid the appearance of large, blank walls.	
	2) Design and layout of buildings shall give consideration to local climatic conditions. For example: a) where possible, buildings should take advantage of a north or north easterly aspect; b) western orientations should be avoided;	The amended design responds appropriately to the site's climatic conditions. The orientation of the main building façades is towards the north and south, reducing exposure to the western sun. Along the Lenore Drive and Lockwood Road frontages, generous setbacks incorporate substantial tree planting, which provides shade, screening and natural cooling benefits. Additional deep soil planting along the eastern and western boundaries contributes to wind breaks and further reduces heat gain.	**Section 3.5.1.4** **Appendix K**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	c) trees should be planted around the building to create shade, screening and wind breaks.		
	3) Development should not seriously impede the access of solar radiation to surrounding land and development.	The amended proposal does not seriously impede solar access to surrounding land. Shadow diagrams show overshadowing is contained within the site or over adjoining industrial land and roads. Any limited overshadowing of Lockwood Road occurs only in the early morning or late afternoon during winter and does not affect public amenity. No sensitive residential or recreational uses are impacted.	**Section 3.5.1.1** **Appendix E** **Appendix F**
6.3.6 Lighting	1) Lighting details shall be provided as part of any relevant Development Application. 2) Lighting design should address the principles of Crime Prevention through Environmental Design (CPTED), where there is significant pedestrian activity, late night work-shifts or safety and security issues. These principles are outlined in the Site Planning and Design Principles Section of this Plan. 3) Adequate lighting should be provided to meet security requirements without excessive energy consumption. Lighting	Lighting details are provided as part of the application, demonstrating compliance with CPTED principles and security requirements. The lighting strategy ensures adequate illumination for safety and security, particularly around site entries, circulation areas and car parking, without generating adverse amenity impacts. The design balances security and efficiency, incorporating energy-efficient fittings and management controls to avoid unnecessary energy consumption. The combination of carefully directed lighting, landscaped setbacks and building orientation ensures there is no unreasonable glare or light spill to surrounding land.	**Appendix E**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	powered by solar batteries or other renewable energy sources is encouraged. The use of sensor lighting, both internally and externally, should be considered.		
6.3.7 Fencing	1) No fencing other than a low ornamental type may be erected at the front site boundary. Should an applicant elect to use high security fencing, such fencing must be located either behind the landscape setback or alternatively within the landscaped area midway between the site front boundary and the building line.	The proposal includes a 4.1m high perimeter security fence. Along Lenore Drive, the fence is set back about 1.5m and softened by intermediate planting within the landscaped setback. At the Lockwood Road entry, the fence is set back further to allow for circulation and additional landscaping. A greater setback on Lenore Drive is not possible without encroaching into the existing landscaped berm, which will be retained and enhanced as a key frontage element. The fence is essential given the mission-critical nature of the data centre and the need to maintain a secure, controlled environment.	**Section 3.2** and **6.4** **Appendix K**
6.3.8 Services	1) Council shall require as conditions of any development consent that arrangements satisfactory to: a) Sydney Water will be made for the provision of water and sewerage services; b) Integral Energy have been made for the supply of electricity;	The amended data centre proposal can be appropriately serviced, with connections to water, sewer, electricity, telecommunications and drainage to be provided to the satisfaction of the relevant authorities. Notably, the adoption of waterless cooling technology significantly reduces operational water demand, thereby lessening reliance on potable water infrastructure. All electricity and telecommunications infrastructure will be located underground, with co-location of services undertaken where technically feasible, consistent with Council requirements.	**Section 3.2.6** and **3.5.2.6** **Appendix N** **Appendix ZN**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	c) arrangements satisfactory to the relevant telecommunications authority will be made for the provision of telecommunications services; d) Council have been made for the drainage of the land. 2) Council will require, as a condition of consent, that electricity and telecommunication mains be placed underground. Council also requires the co-location of services where this is technically feasible.	In relation to the external HV connection, the proposed underground cabling route within the Lenore Drive road reserve will be delivered in consultation with the relevant authorities, including TransGrid and Council, with all works designed and constructed to meet applicable standards and requirements.	
6.4 Environmental Quality			
6.4.1 Noise Pollution	1) Any machinery or activity considered to produce noise emissions from a premise shall be adequately sound proofed so that noise emissions are in accordance with the provisions of the *Protection of the Environment Operations Act 1997*.	Data Centre Site The Amendment Report is accompanied by a revised NVIA prepared by Acoustic Logic. The assessment demonstrates that the data centre proposal will not result in adverse noise impacts on nearby residential or rural areas, with the nearest residential receivers located more than 250m from the site. The operational noise assessment in the NVIA has been comprehensively updated to respond to submissions and to reflect the amended project,	**Section 3.5.1.6** **Appendix M**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	3) Where it is considered likely that a development may cause an adverse impact on nearby rural or residential areas, a noise impact statement from a qualified acoustical engineer will be required to be submitted to Council for consideration with the Development Application. A noise impact statement will need to demonstrate that the proposed development will not create any adverse impact. 4) All development shall comply with the requirements of relevant Australian Standards and State Government policies and guidelines relating to Noise.	including revised plant selections, updated modelling inputs and refinement of operational scenarios. The NVIA adopts the NSW Noise Policy for Industry and relevant local planning controls to establish project noise trigger levels for surrounding sensitive receivers. The updated assessment includes detailed noise modelling of the full range of operational scenarios, accounting for variations in plant operation, environmental conditions, staging of the development and anticipated load conditions. A range of operational scenarios has been modelled to represent both typical and worst-case operating conditions for Stage 1 and Stage 2 of the development. The amended proposal incorporates updated plant selection, including the adoption of air-cooled chillers and refinement of equipment layout and shielding. The NVIA confirms that these changes have resulted in a measurable improvement in predicted noise emissions at surrounding receivers. In particular, previously identified exceedances under earlier modelling scenarios have been resolved. The updated modelling demonstrates that the amended proposal complies with the applicable project noise trigger levels at all identified sensitive receivers for both Stage 1 and Stage 2 operation. In some instances, predicted noise levels for Stage 2 operation are lower than Stage 1 due to increased shielding provided by the additional building mass, which reduces propagation of rooftop plant noise toward sensitive receivers.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		The NVIA also considers potential acoustic characteristics including low frequency noise and tonality. The assessment confirms that low frequency noise does not trigger additional modifying factors and that any tonal characteristics associated with individual plant items would be adequately masked by dominant noise sources, such that no adverse tonal impacts are expected at receivers. Emergency power generation and maintenance testing have been assessed separately. These activities are infrequent and limited in duration and are designed to meet relevant noise criteria. Predicted noise levels associated with testing scenarios remain within acceptable limits and are not expected to result in adverse impacts. Overall, the amended proposal results in an improved operational noise outcome compared to the original proposal, with all predicted noise levels complying with applicable criteria and no residual exceedances identified. Operational noise impacts are therefore considered acceptable and can be effectively managed through the recommended mitigation measures. <u>HV Cabling Route</u> A supplementary NVIA has been prepared by Acoustic Logic to address construction noise and vibration impacts associated with the inclusion of the external HV works. The supplementary NVIA confirms that operational noise impacts are not associated with the HV cabling works, as no operational noise generating plant is proposed as part of the cable infrastructure. Accordingly,	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		operational noise impacts for this component of the development have not been assessed. Construction of the HV cabling route will involve activities such as trenching, HDD, cable pulling, joint bay installation and road restoration. These activities have the potential to generate temporary noise and vibration impacts at nearby receivers, particularly residential receivers located to the north of Lenore Drive. The supplementary NVIA includes modelling which was undertaken in accordance with the Interim Construction Noise Guideline (**ICNG**) and relevant vibration criteria and includes project-specific noise management levels based on measured background noise levels. The modelling indicates that: ▪ No receivers are predicted to experience noise levels exceeding the highly noise affected management level. ▪ Some residential receivers will experience exceedances of the noise management levels during certain activities, particularly trenching, HDD and road restoration works. ▪ Exceedances are generally temporary and associated with specific construction activities and locations along the alignment. ▪ Construction vibration levels are expected to comply with relevant criteria for both amenity and structural damage, with standard construction plant and methods adopted.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		Where exceedances of the noise management levels are predicted, these are consistent with typical linear infrastructure works and will be managed through the implementation of feasible and reasonable mitigation measures in accordance with the ICNG.	
6.4.2 Air Pollution	1) The emission of air impurities is to be controlled and limited to the standards allowed by the *Protection of the Environment Operations Act 1997*, to the satisfaction of Council and the Environmental Protection Authority at all times. 2) Applicants may be required to provide information detailing the potential impact of their development on air quality in the region. 3) An assessment of the merits of the proposal will be made at the Development Application stage. However, applicants should be able to demonstrate that the most efficient means of minimising emissions are being utilised.	The Amendment Report is accompanied by a revised AQIA prepared by Northstar. Changes considered within the updated AQIA for the data centre operation include: ▪ An increase in the number of standby generators from 170 to 188, located within an updated gantry footprint extent. ▪ An increase in the associated diesel fuel storage capacity from 4,027kL to 4,454kL. ▪ The revised building and landscaping design. <u>Construction Phase Air Quality</u> Northstar has adapted the methodology from the IAQM construction dust guidance (IAQM, 2024) to assess construction phase risk. The anticipated activities during the data centre construction phase are: ▪ Site preparation and bulk earthworks, including excavation and material handling. ▪ Building construction and fit out works. ▪ Movement of construction vehicles and plant on unsealed or partially sealed surfaces.	**Section 3.5.1.5** **Appendix L**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		▪ Vehicle track-out of dirt and mud onto public roads. Given the distance of the site from sensitive receivers (250-300m), the sensitivity of the identified receptors is classified as 'medium' for dust soiling, and 'low' for health impacts. The dust emission magnitudes for the various construction phase activities as presented in Appendix B of the AQIA, which when assessed in light of the sensitive receiver locations, demonstrates that the resulting risk of air quality impacts (without mitigation) are 'medium' for dust soling an and 'low' for human health. With the implementation of the identified mitigation measures in Appendix B of the AQIA (including standard best-practice mitigation measures implemented including dust suppression through water sprays, covering of stockpiles, wheel-wash facilities, and regular street sweeping), construction phase risks are anticipated to be reduced to an acceptable level which corresponds to low to negligible residual risk. <u>Operational Phase Air Quality</u> The assessment of operational phase impacts confirms that the only significant operational emissions will be from the diesel standby generators, which run only during power outages or scheduled maintenance. Under normal conditions the facility draws electricity from the grid, and no adverse impacts are expected. Two operational scenarios were assessed: ▪ Scenario 1 – Worst-Case: All 188 generators running at full load during a total outage. Modelling predicted some short-term exceedances,	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		but this represents a highly unlikely event given the reliability of the grid and the redundancy of on-site systems. Probability analysis confirmed the combined likelihood of a full outage and exceedance is low. ▪ Scenario 2 – Routine Maintenance: Four standby generators operating simultaneously for approximately one hour during a daylight testing window of 7am to 6pm, at 100% load. All predicted concentrations were well below EPA and NEPM criteria, with no exceedances at sensitive receptors. The potential for cumulative air quality impacts has been assessed in accordance with relevant CIA guidance (NSW DPIE, 2022). Cumulative impacts could occur during rare regional grid outages when multiple data centres simultaneously operate standby diesel generators, an emergency scenario recognised by the NSW EPA and subject to regulatory allowances. The likelihood of such events is low due to the use of multiple power feeders designed to reduce concurrent failures. Routine maintenance testing may also contribute to cumulative impacts, as testing typically occurs during daytime hours. However, distances between facilities and sensitive receptors, combined with the low likelihood of concurrent testing under downwind conditions, are expected to limit impacts. Generator operating hours are generally capped under consent or EPL conditions to minimise routine emissions.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		Limited cumulative impacts may also arise during overlapping construction phases, primarily from dust. Each development is required to implement a CEMP, and construction dust impacts are well understood and can be effectively mitigated to avoid significant cumulative effects.	
6.4.3 Storage, Transportation and/or Processing of Chemical Substances	1) External storage of goods must be avoided wherever possible. Where the nature of the activity or the materials means that internal storage is impractical, all external storage areas must be located behind the front building setback. In addition, when assessing development applications involving external storage of goods, Council will take into consideration: a) The proposed height and on-site arrangement of stored goods; b) Visual impact of the storage area, and how this is proposed to be minimised (orientation, screening with landscaping and/or solid fencing etc.); c) Access arrangements; and	The proposal does not include conventional external storage of goods. Essential infrastructure such as diesel tanks, generators and the substation continue to be located behind building setbacks in secured, bunded service yards, screened by buildings and landscaping. These facilities are integrated into the site's infrastructure and appropriately contained to minimise visual and safety impacts, consistent with the intent of the provision.	**Section 3.5.1.7, 3.5.1.8** and **3.5.2.4** **Appendix F** **Appendix X** **Appendix ZF** **Appendix ZG** **Appendix ZK**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	d) Safety issues.		
	2) Detailed description of the use and all methods/procedures associated with the use, including flow diagrams.	Detailed in the revised Dangerous Goods Report accompanying this amended application.	
	3) A floor plan of the subject premises depicting the dimensions of the building and indicating the internal layout of all equipment, storage and display areas.	Detailed in the revised Architectural Drawings accompanying this amended application.	
	4) A comprehensive list of all chemicals/goods and quantities proposed to be utilised in the activity and actually stored on the subject premises.	Detailed in the revised Dangerous Goods Report accompanying this amended application.	
	5) A description of the method of storage of chemicals/goods on the premises, and the type of containment or packaging to be used.	Detailed in the revised Dangerous Goods Report accompanying this amended application.	
	6) A description of the method of transportation of chemicals/goods to/from the premises (include the size and nature of vehicles, proposed routes	Detailed in the revised Dangerous Goods Report accompanying this amended application.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	and frequency of delivery to and from the site).		
	7) Details regarding the number of vehicles likely to be involved with the use at any one time and the provision and allocation of storage/standing areas for such vehicles.	Detailed in the revised Dangerous Goods Report accompanying this amended application.	
	8) Details of onsite water quality control.	Detailed in the revised Integrated Water Management Plan accompanying this amended application.	
	9) Details of waste treatment and transportation.	Detailed in the revised Operational Waste Management Plan accompanying this amended application.	
6.4.4 Energy Conservation	1) Development must demonstrate that the following have been taken into account in the design process:- a) Potential for effluent re-use b) Water minimisation techniques, including water recycling c) Waste minimisation techniques, including recycling.	The following initiatives are proposed to maximise water use efficiency and optimise water sensitive urban design as part of the amended scheme: ▪ Air-cooled chillers used for heat rejection that do not consume water in operation leading to effectively zero water use in regular operation for the data centre cooling systems. ▪ . ▪ Water-efficient fixtures and fittings selected to maximise WELS ratings.	**Section 3.5.2.3** **Appendix ZE**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		▪ Low- or zero-irrigation landscaping using endemic drought-tolerant species. ▪ Building-level and sub-metering for water consumption monitoring. ▪ Rainwater capture and reuse system for supply to flush fixtures and irrigation. The following initiatives are proposed to minimise material use and waste generation: ▪ Construction and demolition waste management plan to maximise diversion from landfill. ▪ Use of concrete mixes with supplementary cementitious materials to reduce embodied carbon. ▪ Structural steel and reinforcement with high recycled content. ▪ Durable, low-maintenance materials to extend service life and reduce replacement needs.	
6.4.5 Trading / Operating Hours of Premises	1) Construction works (all development) shall generally be restricted to the following hours: a) Monday to Friday, 7.00 a.m. to 6.00 p.m. b) Saturday, 7.00 a.m. to 1.00 p.m.	Construction hours for the data centre will be in accordance with these standard hours and can be addressed as a condition of development consent. The HV construction works may be best undertaken during the night time in order to minimise construction impacts on the operation of Lenore Drive especially during peak traffic flows. This will be agreed with TfNSW during	N/A

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	c) No work on Sundays or Public Holidays	the s138 Rods Act approval for the works, post issuance of development consent.	
	2) The hours of operation for premises involved in any type of employment generating activity shall be dealt with on a merits basis. Council appreciates that because of the nature of certain activities shift work may be essential to the viability of the development.	The proposal will operate on a 24/7 basis; however, staffing levels are low and vehicle trips are minimal, meaning the facility will not generate significant noise, traffic, or parking impacts. Security and operational lighting will be designed in accordance with AS4282 to avoid glare or spill to residential areas. Consequently, the development will not cause nuisance to residents in relation to hours of operation, traffic, lighting or other activities.	**Section 3.5.1.3** **Appendix U**
	3) In considering applications Council shall have regard to the likely impact of the trading hours of a particular activity on the amenity of adjoining residential and rural areas.		
6.5 Drainage			
6.5.3 Eastern Catchment – Ropes Creek	1) Development within the sub-catchment, which drains directly into Ropes Creek, will be required to direct its stormwater runoff into a detention basin facility. Special attention will need to be given to this aspect of the development during the subdivision design process.	Stormwater from the development is collected via a pit and pipe system and conveyed through two gross pollutant traps (OceanProtect OceanSave-3300-870) before discharging into the existing subdivision drainage network. This connects directly to the regional wetland / detention basin located adjacent to the site within the Ropes Creek biodiversity corridor. On-site detention is not required as the subdivision approvals provided for regional detention capacity, and the impervious	**Section 3.5.1.7** **Appendix ZK**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		area remains within the pre-approved allowance (maximum 85% impervious area).	
	2) Developments in this area will be required to design environmentally sensitive stormwater management solutions consistent with the constraints specific to the site.	The amended proposal continues to integrate WSUD measures including vegetated swales, proprietary primary filter baskets, gross pollutant traps and utilises the existing constructed wetland for stormwater treatment. Two 250kL rainwater tanks capture approx. 50% of each data centre roof runoff for reuse in toilet flushing and irrigation. These initiatives supplement the regional detention, supply 80% of toilet flushing and irrigation non-potable demand and deliver site-specific stormwater quality benefits in accordance with water sensitive urban design objectives.	
	3) All drainage infrastructure required in this catchment, shall be provided with the development of the land, at the developer's cost.	The amended proposal provides all required on-site stormwater conveyance and treatment infrastructure, including new pit and pipe networks, a GPT upgrade, rainwater reuse tanks and at-source WSUD treatments. These works will be fully funded and maintained by the developer.	
	4) Management of stormwater quantity and quality close to its source has the potential to limit the impact of major drainage works on the endangered vegetation throughout this area. Consequently, at-source, on-site controls are the preferred treatment	At-source management is achieved through the rainwater reuse tanks, proprietary primary filter baskets, GPT's and vegetated swales that filter and retain runoff before discharge. These controls reduce pollutant loads to satisfy Penrith DCP pollutant reduction targets and reduce reliance on downstream infrastructure, thereby protecting the Ropes Creek biodiversity corridor and its associated endangered ecological communities.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	strategy in this catchment and their implementation will be encouraged.		
	5) No regional water quality or water quantity controls have been identified in this Plan, however there will be a requirement for the runoff from the Eastern Catchment to conform to Council's standard. This will be the responsibility of individual developers in that part of the estate. It is envisaged that these facilities will be provided near the Ropes Creek interface. There will be no levies associated with this Eastern Catchment.	The development complies with Council's requirements by discharging through the subdivision drainage system into the regional basin at the Ropes Creek interface. Localised treatment (GPT, WSUD, rainwater reuse) ensures runoff quality meets standards before connection to the regional system. No levies are proposed.	
	6) The drainage solution shall include provision for water quality and quantity for all roads. This water quality/quantity system shall be clear of the 1 in 100-year flood line and biodiversity corridor.	Road drainage is captured via the internal pit and pipe network and treated through the GPT and WSUD systems before discharge. All stormwater infrastructure is located clear of the 1% AEP flood extent and outside the biodiversity corridor, consistent with the subdivision strategy.	
	7) Land identified by Council as performing a significant drainage function and where not specifically	The prior subdivision approvals for the Fitzpatrick Estate within which this site sites have already secured land required for drainage and biodiversity purposes under restrictions and easements. The proposed works connect	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	identified in that plan is to be covered by an appropriate "restriction as to user" as deemed by Council.	into this established network and do not require any additional drainage land dedication. Existing drainage easements within the site are proposed to be retained and maintained.	
6.6 Transport Network			
Internal Road System	4) Access to Lenore Drive shall be limited to the three points within the precinct as shown on Figure E6.11 of this Section.	No vehicle access is proposed from Lenore Drive once the development is operational, with access provided via Lockwood Road. Construction vehicle access is proposed to be made via the existing vehicle crossover point at the site's north-eastern corner, from Lenore Drive. No upgrade or augmentation to this crossover is expected to be required to facilitate this access.	**Section 3.2.4** and **3.5.1.3** **Appendix U**
	5) All parking shall be provided either on site or in centralised off-road locations.	The development complies with the provision as all parking is provided on site. A total of 78 spaces is proposed, including 34 under-croft spaces within the building footprint and additional spaces along the internal access road. All parking is contained within the site, with no reliance on on-street or off-site arrangements.	
	9) The proponent shall have regard to "Guide for Traffic Generating Development", Roads and Traffic Authority of NSW, October 2002.	The revised TIA accompanying this application has been prepared with regard to relevant TfNSW guidelines.	
	10) Development shall, where appropriate, be designed to:	The internal road layout has been redesigned to improve site circulation and operational efficiency. This includes the conversion of the eastern and	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	a) Allow all vehicles to either leave or enter the site in a forward direction; b) Accommodate heavy vehicle parking and manoeuvring areas; c) Avoid conflict with staff, customer and visitor vehicular movements; and d) Ensure satisfactory and safe operation with the adjacent road system.	southern internal roads to two-way operation, realignment of the northern road, and adjustments to the northern vehicle ramp. These changes improve internal vehicle movements without altering the external access arrangements or affecting the ability of heavy vehicles to safely manoeuvre within the site without posing a safety risk to pedestrians and smaller vehicles. Access to the site, including ingress and egress via the surrounding road network, remains unchanged from the original proposal. Based on the assessment undertaken, the amended proposal does not result in any material change to traffic generation, distribution or operational traffic impacts compared to the original scheme. The findings and conclusions of the original TIA therefore remain applicable.	
	11) Full details of the volume, frequency and type of vehicle movements shall be submitted with the development application.	Detailed in the revised TIA accompanying this amended application.	
	14) Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas shall be screened from the road.	Servicing, deliveries, and waste collection will occur entirely within the site via two dedicated loading docks, each capable of accommodating two 24-metre articulated vehicles simultaneously. This capacity ensures that multiple large deliveries can be handled without queuing or disruption to internal operations.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
		The servicing design isolates heavy vehicle manoeuvring areas from staff and visitor parking, reducing the risk of vehicle–pedestrian conflicts. Loading docks provide sufficient turning areas for heavy rigid vehicles and semi-trailers, with swept-path analysis confirming that manoeuvres can be completed without impacting public roads. Servicing demand during operations will be low, with most trips limited to scheduled equipment deliveries, periodic waste removal, and maintenance activities.	
6.7 Biodiversity			
6.7.1 Biodiversity Conservation Area and Landscape Buffer	1) No clearing of native vegetation shall occur within the Erskine Business Park Biodiversity Conservation Area and Landscape Buffer as outlined by Figure E6.12 – Biodiversity Conservation Area and Landscape Buffer.	The proposed development does not require the removal of any native vegetation within the Erskine Business Park Biodiversity Conservation Area and Landscape Buffer. The proposed development footprint is restricted to the subject site.	**Section 3.5.1.4** **Appendix K** **Appendix ZB**
	2) No clearing of native vegetation shall occur within Erskine Business Park without the consent of Council.	The site is cleared of vegetation and does not contain habitat for threatened species. Limited vegetative regrowth (predominantly weeds) is present along the northern boundary on a landscaped berm created under DA19/0818. The proposal does not require the removal of any existing trees.	
6.8 Landscaping			

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
6.8.2 Controls	Removal of existing vegetation can result in a lower take up of water contributing to a rising ground water table and potential problems with salinity. Saline soils can damage roads, parking areas and buildings as well as ultimately causing scouring and effecting vegetation growth. Once soils have become saline it is virtually impossible to reverse the effects. Preservation of existing vegetation, particularly larger trees on ridgelines can help reduce or delay the impact of salinity. Existing trees are to be preserved wherever possible. The siting and layout of a development at the initial concept stage must consider the location of trees with a view to their preservation. Existing trees shall not be removed prior to the written consent of Council being obtained. The existing vegetation to be retained must be protected from soil	No tree removal is required. The site was cleared at the subdivision stage, and the proposal will incorporate new deep soil planting and canopy trees to enhance vegetation cover. Further the HV transmission line does necessitate the removal of any trees.	**Section 3.5.1.4** **Appendix K**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	compaction, root, trunk and limb damage, soil contamination and changes in surface level that will affect the health of the specimen. Protection measures are to be installed prior to the commencement of any earthworks. A man-proof, sturdy and durable chain-wire fence of sufficient height shall be erected 1m beyond the dripline of each specimen for the full circumference of all vegetation to be protected.		
6.9 Landscape Areas			
6.9.2 Controls	**Selection and Use of Planting Material** 1) A framework planting of endemic canopy and shrub species is to be established for all developments. This will enhance the sense of place for each development site. Consideration to be given to features such as bird attracting qualities, aromatic foliage and flowers, and habitat value as well as visual qualities, site suitability, and proximity to	More than 200 new trees, including large native canopy species, will be planted to enhance amenity, increase biodiversity, provide significant shade, and contribute to long-term urban heat island mitigation. Predominantly hardy native species have been selected for drought tolerance, low maintenance requirements, and compatibility with local ecological conditions, ensuring long-term canopy and groundcover resilience.	**Section 3.5.1.4** **Appendix K**

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	biodiversity corridors or areas. Habitat value is to be given high priority.		
	3) Property entrances may be highlighted with feature planting and need not be limited to native or endemic species. No plant species shall be used on site that could become a weed within remnant bushland areas or creek lines.	Dense planting along all site boundaries to screen service areas, plant yards, and the substation from public view, and to visually integrate the site into its industrial context. Feature planting at site entries, between the two data centre buildings, and within setbacks to improve staff amenity, create attractive outdoor spaces, and assist with wayfinding.	
	4) Plant species should be carefully selected to meet service authority requirements in easement locations.	Plantings along the northern frontage, where easements are located, have been selected due to their non-invasive root systems.	
	7) Narrow strips of landscaped area between an allotment boundary and building, or between parking areas and a building should be avoided.	The amended development will incorporate generous landscaped areas across all frontages and within the site footprint. The removal of the 23 originally proposed industrial water tanks has enabled additional deep soil planting areas, particularly along the western boundary and within the central north south spine between the two data centre buildings. This includes the introduction of landscaping in areas previously occupied by infrastructure, as well as a substantial increase in setback along the western boundary, allowing for a more generous landscaped buffer to adjoining land.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	9) Plant material shall be a mix of super-advanced, advanced and normal nursery stock that will provide a quick effect especially in visually prominent areas. Larger plant sizes would be appropriate in some locations.	The proposed landscape strategy continues to include a mix of local endemic and native trees to strengthen the urban design principles and to comply with current sustainability guidelines. Street verges, buffer tree planting to boundaries and all road setbacks are densely planted with canopy trees ranging from 6m to 15m+ in height and canopy spread.	
	10) Groundcovers should be considered as a grass alternative in areas not specifically designed for pedestrian use.	The proposed landscape design continues to include grasses and groundcovers in selected areas.	
	11) Presentation of a building facade to the street should be complemented with appropriate enframing or screening vegetation. The visual impact of large expanses of wall should be reduced in scale by architectural treatment as well as by dense grove planting or other landscape design solutions.	The retention of and landscaping planting to the existing berm with deep soil planting along the 20m landscaped setback to Lenore Drive will screen infrastructure, soften views of buildings from the street, and contribute to the established green character of the precinct. More broadly across the site, more than 200 new trees, including large native canopy species, will be planted to enhance amenity, increase biodiversity, provide significant shade, and contribute to long-term urban heat island mitigation.	
6.9.3 Requirements	**Hard Landscape Materials** 1) Paving, structures and wall materials should complement the architectural	Paved surface and other 'hard' landscape elements will be incorporated into the proposed landscape design to provide an integrated and cohesive scheme.	

Statutory Reference	Relevant Considerations	Relevance / Compliance	Section in Amendment Report
	style of buildings on the site and be of local origin where possible.		
	2) Materials should cause minimal detrimental visual impact, and the use of subtle coloured materials and block or brick paving is encouraged.	Paving colours and materials will remain visually neutral, consistent with the established setting and character of the broader precinct.	