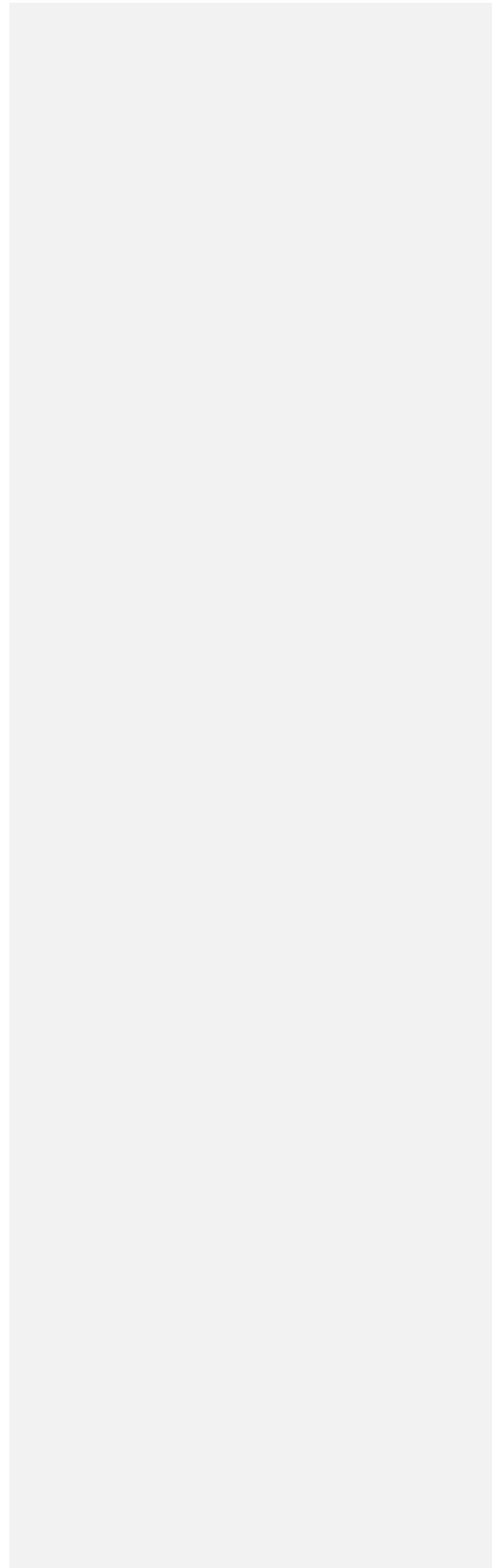


**APPENDIX C
STATUTORY
COMPLIANCE
TABLE**



Matters for Mandatory Consideration

The Table below identifies matters that the consent authority must consider in deciding to grant consent for the proposed development extent.

Environmental Planning and Assessment Regulation 2021

Environmental Planning and Assessment Regulation 2021			
Legislation/ Statutory Reference	Relevant Considerations	Assessment/Section in EIS/Document Reference	Section in the EIS/Document Reference
Clause 56 - Notice of development applications	<p>(1) This section applies to a development application for the following only—</p> <ul style="list-style-type: none"> (a) designated development, (b) nominated integrated development, (c) threatened species development, (d) Class 1 aquaculture development, (e) State significant development. <p>(2) As soon as practicable after a development application is lodged, the consent authority must—</p> <ul style="list-style-type: none"> (a) publish notice of the application on the consent authority's website, and (b) give notice of the application to— <ul style="list-style-type: none"> (i) the public authorities that, in the consent authority's opinion, may have an interest in the determination of the application, and (ii) the persons that own or occupy the land adjoining the land to which the application relates. <p>(6) The notice under subsection (2)(a) and (b) must contain the following information—</p> <ul style="list-style-type: none"> (a) a description and address of the land on which the development will be carried out, (b) the name of the applicant and the consent authority, (c) a description of the development, (d) whether the development is designated development, nominated integrated development, threatened species development, Class 1 aquaculture development or State significant development, (e) a statement that the application and the documents accompanying the application, including any environmental impact statement, are available on the consent authority's website for the minimum period required under the Act, (f) a statement that a person may, during the public exhibition period, make submissions to the consent authority about the application and that the submissions must specify the grounds of objection, if any, (g) for development that is also integrated development—a statement of the required approvals and the approval bodies for the approvals, (h) for State significant development—whether the Minister has directed that the Independent Planning Commission must hold a public hearing, (i) for designated development— <ul style="list-style-type: none"> (i) a statement that, unless the Independent Planning Commission has held a public hearing, a person who objected to the development by making a submission and who is dissatisfied with the determination of the consent authority to grant development consent, may appeal to the Court, and 	<p>The proposal constitutes SSD and is therefore required to be notified in accordance with Clause 56.</p> <p>Consultation was undertaken as required by the SEARs. Additionally, the application is required to be notified for a minimum of 28 days which will allow for further consultation opportunities for community participation in the assessment of the application.</p>	N/A



STATUTORY COMPLIANCE TABLE

Mamre Road Data Centre Campus
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Environmental Planning and Assessment Regulation 2021			
Legislation/ Statutory Reference	Relevant Considerations	Assessment/Section in EIS/Document Reference	Section in the EIS/Document Reference
	(ii) a statement that, if the Independent Planning Commission holds a public hearing, the Commission's determination of the application is final and not subject to appeal.		
Clause 190 - Form of environmental impact statement	<p>(1) An environmental impact statement must contain the following information—</p> <p>(a) the name, address and professional qualifications of the person who prepared the statement,</p> <p>(b) the name and address of the responsible person,</p> <p>(c) the address of the land—</p> <p>(i) to which the development application relates, or</p> <p>(ii) on which the activity or infrastructure to which the statement relates will be carried out,</p> <p>(d) a description of the development, activity or infrastructure,</p> <p>(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.</p> <p>(2) The person preparing the statement must have regard to—</p> <p>(a) for State significant development—the State Significant Development Guidelines, or</p> <p>(b) for State significant infrastructure—the State Significant Infrastructure Guidelines.</p> <p>(3) An environmental impact statement must also contain a declaration by a relevant person that—</p> <p>(a) the statement has been prepared in accordance with this Regulation, and</p> <p>(b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</p> <p>(c) the information contained in the statement is not false or misleading, and</p> <p>(d) for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.</p>	The EIS has been prepared accordingly.	The entire EIS
Clause 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), requirements for State significant development.	The SEARs (reference: SSD-92743706), issued by the NSW DPHI on 30 September 2025 are addressed throughout the EIS.	Refer to PART 7 of the EIS
Clause 192 Content of environmental impact statement	The environmental impact statement must contain a summary, a statement of objectives, an analysis of feasible alternatives to carrying out the development, an analysis of the development, description and compilation of the measures to mitigate adverse effects of the development, and reasons justifying carrying out the development.	The EIS provided contains the requisite content required by the EPA Regulation and follows the structure outlined in Section 3 of the SSD guidelines - preparing an environmental impact statement.	The entire EIS.
Clause 193 - Principles of ecologically sustainable development	<p>The division also outlines the following principles of ecologically sustainable development that must be considered in the EIS.</p> <p>(1) the precautionary principle,</p> <p>(2) inter-generational equity,</p> <p>(3) conservation of biological diversity and ecological integrity,</p> <p>(4) improved valuation, pricing and incentive mechanisms.</p>	<p>The principles of ecologically sustainable development have been appropriately considered.</p> <p>The assessment in this EIS has not identified any serious threats of environmental damage that cannot be adequately mitigated or addressed based on current scientific standards and best practices. The staged development approach allows for adaptive management and monitoring to address any unforeseen issues. In this regard, the proposed development can be considered generally consistent with the precautionary principle.</p>	PART 8



STATUTORY COMPLIANCE TABLE

Mamre Road Data Centre Campus
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Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Act 1979			
Legislation/ Statutory Reference	Relevant Considerations	Comment	Section in EIS/Document Reference
Section 1.3 - Objects of the Act	(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal will deliver critically needed data storage infrastructure in a highly suitable and accessible location. The proposal will generate local and regional employment opportunities close to the fast-growing population of Western Sydney during both the construction and operational phases. Overall, the proposal will deliver approximately 800 full-time employment opportunities once operational. The proposed development will not result in any significant impacts on the biological and ecological integrity of surrounding land. Potential environmental impacts will be mitigated to avoid unacceptable impacts on the local community and the environment.	The entire EIS
	(b) to promote the supply, delivery and maintenance of housing, including affordable housing,	The proposal does not include residential land uses.	N/A
	(c) to promote productivity through the development and management of the State and its resources,	The proposed development promotes productivity through the efficient use of land and state resources. The proposal activates a vacant site for productive use, optimising the development potential of land within an emerging industrial area and makes provision for new infrastructure in accordance with the MRP vision. The development will generate employment opportunities during construction and operation, contributing to local economic productivity. By delivering a functional and economically viable development on appropriately zoned land, the proposal contributes to the productive development and management of State resources in accordance with this objective of the EP&A Act	Refer to Section 1.6 and PART 3 of the EIS
	(d) to promote the delivery and maintenance of affordable housing, protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,	The proposed development will not result in any unacceptable impacts to threatened and other species of native animals and plants, ecological communities and their habitats.	Appendix 15
	(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,	The proposed development promotes resilience to climate change and natural disasters through appropriate design responses. The development incorporates stormwater management measures that address flooding risks and climate-related rainfall intensity, ensuring adequate drainage capacity and water quality treatment. The building design responds to anticipated climate conditions through passive design measures / thermally efficient building envelope / appropriate materials selection that enhance environmental performance. By incorporating climate-responsive design and infrastructure, the proposal satisfies this objective of the EP&A Act.	Refer to PART 4 of the EIS
	(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,	<p>The proposed development has been designed and will be managed to promote the sustainable management of built and cultural heritage.</p> <p>An addendum to the original (prepared for the ISPT Summit SSDA) Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared which identified an additional five (5) Aboriginal sites within the site. Notwithstanding, detailed management options and recommendations are included as part of the ACHAR.</p> <p>The site is not a heritage item, nor is it within a heritage conservation area. There are no items of heritage significance within the vicinity of the site. Appropriate mitigation measures have been recommended which will be implemented at the construction phase to avoid any unforeseen impacts.</p>	Appendix 27

Commented [je1]: Just double checking to ensure alignment in understanding:

- ACHA was prepared & submitted for the ISPT Summit SSDA.
- Addendum ACHA has been prepared to support this new SSDA.



STATUTORY COMPLIANCE TABLE

Mamre Road Data Centre Campus
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Environmental Planning & Assessment Act 1979			
Legislation/ Statutory Reference	Relevant Considerations	Comment	Section in EIS/Document Reference
	(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,	<p>The proposed development has been designed to promote high amenity in the built environment. The proposal will transform a vacant site into a high-quality development that includes substantial landscaped setbacks with tree plantings along all frontages, improving the streetscape. It will create a high-quality urban design outcome through the careful consideration of materials and finishes to create visual interest.</p> <p>The development will be constructed in accordance with the Building Code of Australia and relevant Australian Standards, ensuring the health and safety of building occupants through compliant fire safety, accessibility and environmental performance provisions. By incorporating engaging and attractive design elements, the proposal will elevate the visual appeal and functionality of the site from the surrounding streetscape.</p>	Appendix 5
	(h) to provide opportunities for participation in environmental planning and assessment,	Community and stakeholder engagement has been undertaken for the proposed development. This has included meetings and notification letters to both agencies and all potentially impacted stakeholders.	Refer to PART 6 of the EIS Refer to Appendix 32
	(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal has carefully considered siting, design, landscaping and architecture to create a high-quality built form. Ecologically Sustainable Development (ESD) principles have been implemented to reduce water and energy consumption. The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the EPA Regulation.	The entire EIS
	(j) to promote a proportionate and risk-based approach to environmental planning and assessment,	The proposed development adopts a proportionate and risk-based approach to environmental planning and assessment. The application includes appropriate technical assessments commensurate with the nature and scale of the development, including specialist reports. These assessments identify potential environmental impacts and provide practical mitigation measures proportionate to the identified risks. The proposal demonstrates that environmental impacts can be appropriately managed through standard conditions of consent, without requiring overly prescriptive controls. By focusing assessment resources on material environmental considerations relevant to the site and its context, the proposal satisfies this objective of the EP&A Act	Refer to PART 7 of the EIS
	(k) to promote the orderly and economic use and development of land,	The proposal is permissible with consent in the IN1 zone under the Industry and Employment SEPP. The proposal meets the zone objectives. The proposed built form is compatible with neighbouring development in the locality, which includes a variety of industrial uses and has been carefully designed to address the relevant State and local planning controls and avoid any unacceptable impacts.	The entire EIS
Section 4.14 Consultation and development consent—certain bush fire prone land	- Requires the proposal to comply with the requirements of Planning for Bushfire Protection 2019 with respect to the protection of persons, property and the environment from the danger that may arise from a bushfire.	The proposal is supported by a Bushfire Hazard Assessment which confirms that subject to the adoption of mitigation measures provided in the assessment, that the proposed development can meet the requirements of <i>Planning for Bushfire Protection 2019</i> .	Refer to PART 6 of the EIS Refer to Appendix 32
Section 4.15 Evaluation	- Matters for consideration—general <i>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—</i> (a) the provisions of— (i) any environmental planning instrument, and	<p>EPis relevant to the proposal include:</p> <ul style="list-style-type: none"> ▪ <i>Environmental Planning and Assessment Act 1979</i> ▪ <i>Environmental Planning and Assessment Regulation 2021</i> ▪ <i>Protection of the Environment Operations Act 1997</i> ▪ <i>Biodiversity Conservation Act 2016</i> 	Part 5 and this Table



STATUTORY COMPLIANCE TABLE

Mamre Road Data Centre Campus
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Environmental Planning & Assessment Act 1979			
Legislation/ Statutory Reference	Relevant Considerations	Comment	Section in EIS/Document Reference
		<ul style="list-style-type: none"> ▪ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ▪ State Environmental Planning Policy (Resilience and Hazards) 2021 ▪ State Environmental Planning Policy (Planning Systems) 2021 ▪ State Environmental Planning Policy (Industry and Employment) 2021 ▪ State Environmental Planning Policy (Transport and Infrastructure) 2021 ▪ State Environmental Planning Policy (Sustainable Buildings) 2022 ▪ State Environmental Planning Policy (Precinct - Western Parkland City) 2021 ▪ Cumberland Plain Conservation Plan ▪ Special Infrastructure Contribution Pan 	
	(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	There are no draft EPIs relevant to the proposed development.	N/A
	(iii) any development control plan, and	The relevant DCP is the Mamre Road Precinct Development Control Plan 2021.	Appendix 34
	(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	No planning agreements have been entered into as part of the proposed development.	N/A
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EIS has been prepared in accordance with the relevant provisions of the EP&A Regulation.	N/A
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the development including the environmental impacts on the natural and built environments and social and economic impact on the locality is assessed in detail within the EIS.	Refer to Section 7 of the EIS.
	(c) the suitability of the site for the development,	The suitability of the site for the proposal is demonstrated in the EIS.	Refer to Section 8.1.7 of the EIS.
	(d) any submissions made in accordance with this Act or the regulations,	Part of the forthcoming exhibition and response to submissions phases	
	(e) the public interest.	The public interest of the proposal is demonstrated in the EIS. The proposal is consistent with State and local strategic plans and complies with relevant State and local planning controls, including the Industry and Employment SEPP and MRP DCP 2021. Subject to the implementation of the recommended mitigation measures, no adverse social or economic impacts result from the proposal in terms of traffic, noise and vibration, air quality or views during construction and operation of the development. On balance, the development is considered to be in the public interest.	Refer to Section 8.1.8 of the EIS.
Section 4.36 Development that is State Significant Development	<p>(1) For the purposes of this Act, State significant development is development that is declared under this section to be State significant development.</p> <p>(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.</p> <p>(3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.</p> <p>(3A) The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.</p> <p>(3B) Subsection (3A) does not apply if the development includes residential accommodation.</p>	<p>Development consent will be sought under 'Division 4.7 - Stage Significant Development' of the EP&A Act.</p> <p>The proposed development has an EDC of \$8,999,802,659.81 and pertains to a 1.2 GW Data Centre Campus.</p> <p>Accordingly, the proposed development is SSD.</p>	N/A



STATUTORY COMPLIANCE TABLE

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Environmental Planning & Assessment Act 1979			
Legislation/ Statutory Reference	Relevant Considerations	Comment	Section in EIS/Document Reference
	<p>(3C) If the Minister makes a declaration under subsection (3), the Planning Secretary must, as soon as practicable, notify the council for the area in which the specified land is located that the declaration has been made.</p> <p>(4) A State environmental planning policy that declares State significant development may extend the provisions of the policy relating to that development to State significant development declared under subsection (3).</p>		
<p>Section 4.41</p> <p>Approvals etc Legislation that does not apply</p>	<p>(1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)–</p> <p>(a) (Repealed)</p> <p>(b) a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,</p> <p>(c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,</p> <p>(d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,</p> <p>(e) (Repealed)</p> <p>(f) a bush fire safety authority under section 100B of the Rural Fires Act 1997,</p> <p>(g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.</p> <p>(2) Division 8 of Part 6 of the <u>Heritage Act 1977</u> does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.</p> <p>(3) A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.</p>	<p>Authorisation by the bushfire safety authority may be required.</p>	<p>Appendix 31</p>
<p>Section 4.42</p> <p>Approvals etc Legislation that must be applied consistently</p>	<p>(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent–</p> <p>(a) an aquaculture permit under section 144 of the <u>Fisheries Management Act 1994</u>,</p> <p>(b) an approval under the <u>Coal Mine Subsidence Compensation Act 2017</u>, section 22,</p> <p>(c) a mining lease under the <u>Mining Act 1992</u>,</p> <p>Note.</p> <p>Under section 380A of the <u>Mining Act 1992</u>, a mining lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.</p> <p>(d) a production lease under the <u>Petroleum (Onshore) Act 1991</u>,</p> <p>Note.</p> <p>Under section 24A of the <u>Petroleum (Onshore) Act 1991</u>, a production lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.</p>	<p>The proposal requires an Environmental Protection Licence (EPL) in accordance with Clause 9, Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act), as it proposes to store more than 2,000 tonnes of diesel, thus exceeding the thresholds for an EPL.</p> <p>Approximately 2,652 tonnes of lithium-ion batteries will be stored onsite. This is below the 2,000-tonne limit and so lithium-ion battery storage is classified as a scheduled activity and a licence is required.</p> <p>An approval under Section 138 of the Roads Act 1993 is required for the construction of the roads that are included as part of the proposal.</p>	<p>PART 5 and this Table.</p>



STATUTORY COMPLIANCE TABLE

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Environmental Planning & Assessment Act 1979			
Legislation/ Statutory Reference	Relevant Considerations	Comment	Section in EIS/Document Reference
	<p>(e) an environment protection licence under Chapter 3 of the <u>Protection of the Environment Operations Act 1997</u> (for any of the purposes referred to in section 43 of that Act),</p> <p>(f) a consent under section 138 of the <u>Roads Act 1993</u>,</p> <p>(g) a licence under the <u>Pipelines Act 1967</u>.</p> <p>(2) This section does not apply to or in respect of—</p> <p>(a) an application for the renewal of an authorisation or a renewed authorisation, or</p> <p>(b) an application for a further authorisation or a further authorisation following the expiry or lapsing of an authorisation, or</p> <p>(c) in the case of an environment protection licence under Chapter 3 of the <u>Protection of the Environment Operations Act 1997</u>—any period after the first review of the licence under section 78 of that Act.</p> <p>(3) A reference in this section to an authorisation or development consent includes a reference to any conditions of the authorisation or consent.</p> <p>(4) This section applies to a person, court or tribunal that deals with an objection, appeal or review conferred on a person in relation to an authorisation in the same way as it applies to the person giving the authorisation.</p>		



STATUTORY COMPLIANCE TABLE

Mamre Road Data Centre Campus
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State Environmental Planning Policies

State Environmental Planning Policies			
Legislation/Statutory Reference	Matters for Consideration	Assessment	Section in the EIS/Document Reference
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Chapter 2 Vegetation in non-rural areas			
Clause 2.3 - Land to which Chapter applies	(1) <i>This Chapter applies to the following areas of the State (the non-rural areas of the State)–</i> (a) <i>land in the following local government areas–</i> <i>City of Penrith</i>	The site is located within the Penrith Local Government Area (LGA) and therefore, Chapter 2 applied to the proposal.	
Clause 2.6 - Clearing that requires permit or approval	(1) <i>A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.</i> (2) <i>A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.</i> (3) <i>Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.</i> (4) <i>Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.</i> (5) <i>Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.</i> (6) <i>For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.</i>	The proposal comprises land preparation works that include the clearing of vegetation on the site. Most of the site is classified as urban-capable certified land under the Cumberland Plain Conservation Plan. The remaining non-certified land in the development site, contains fragmented, disturbed patches of vegetation with limited connectivity in a highly disturbed landscape. Impacts to non-certified area native vegetation are limited to 1.35 hectares, with the majority of impacts occurring to certified land native vegetation in the development site (18.03 hectares). Consent is required for the removal of native vegetation under the <i>Biodiversity Conservation Act 2016</i> . The BDAR meets this requirement.	Refer to PART 7 of the EIS Refer to Appendix 15
Clause 2.10 - Council may issue permit for clearing of vegetation	(1) <i>A council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State.</i> (2) <i>A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.</i> (3) <i>A permit under this Part cannot allow the clearing of vegetation–</i> (a) <i>that is or forms part of a heritage item or that is within a heritage conservation area,</i> <i>or</i> (b) <i>that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,</i> (c) <i>unless the council is satisfied that the proposed activity–</i> (d) <i>is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and</i> (e) <i>would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</i> (4) <i>A permit may be granted under this Part subject to any conditions specified in the permit.</i>	As per the above.	As above.
Chapter 6 Water catchments			
Clause 6.1 - Land to which Chapter applies	<i>This Chapter applies to land in the following catchments–</i> (a) <i>the Sydney Drinking Water Catchment,</i> (b) <i>the Sydney Harbour Catchment,</i> (c) <i>the Georges River Catchment,</i> (d) <i>the Hawkesbury-Nepean Catchment.</i>	The site is located within the Hawkesbury-Nepean Catchment and as such, Chapter 6 applies to the development.	PART 7 and Appendix 37



STATUTORY COMPLIANCE TABLE

Mamre Road Data Centre Campus
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State Environmental Planning Policies			
Legislation/Statutory Reference	Matters for Consideration	Assessment	Section in the EIS/Document Reference
Clause 6.6 - Water Quality and Quantity	<i>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</i> <i>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i> <i>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</i> <i>(c) whether the development will increase the amount of stormwater run-off from a site,</i> <i>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</i> <i>(e) the impact of the development on the level and quality of the water table,</i> <i>(f) the cumulative environmental impact of the development on the regulated catchment,</i> <i>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</i>	The closest river-mouth is the Nepean River located approximately 15 kilometres to the west of the site. The nearest major waterbody is the Prospect Reservoir, located approximately 8.5 kilometres to the northeast of the site. First, second, third and sixth-order streams are present in the broader assessment area around the site. The proposal will meet all water quantity and quality requirements for the MRP.	Refer to PART 7 of the EIS Refer to Appendix 37
Clause 6.8 - Flooding	<i>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</i> <i>(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—</i> <i>(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or</i> <i>(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</i>	The flood impact assessment demonstrates that the proposed development can be developed without imposing adverse flood impacts on surrounding properties, infrastructure or downstream areas.	Refer to PART 7 of the EIS Refer to Appendix 20
Clause 6.11 - Land within 100m of natural waterbody	<i>In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—</i> <i>(a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and</i> <i>(b) conflicts between land uses are minimised.</i>	The site is not within 100m of a natural waterbody.	Appendix 43
State Environmental Planning Policy (Planning Systems) 2021			
Chapter 2 State and Regional Development			
Clause 2.6 - Declaration of State significant development: section 4.36	<i>(1) Development is declared to be State significant development for the purposes of the Act if—</i> <i>(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</i> <i>(b) the development is specified in Schedule 1 or 2.</i> <i>Schedule 1, Clause 29 of the Planning Systems SEPP provides the following</i> <i>Development on land shown on the <u>Land Application Map</u> under <u>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</u>, Chapter 4 if the proposed development—</i> <i>(a) has an estimated development cost of more than \$30 million, and</i> <i>(b) does not involve development—</i> <i>(i) prohibited under the Chapter, or</i> <i>(ii) to which that Policy, section 4.13A applies.</i>	In accordance with Schedule 1 of the Planning Systems SEPP, development for the purpose of a data centre that has a total power consumption greater than 15 megawatts is classified as SSD. The proposal is anticipated to have a total power consumption of up to 1.2 GW. Accordingly, the proposal is classified as SSD.	N/A



STATUTORY COMPLIANCE TABLE

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State Environmental Planning Policies			
Legislation/Statutory Reference	Matters for Consideration	Assessment	Section in the EIS/Document Reference
State Environmental Planning Policy (Industry and Employment) 2021			
Clause 2.10 - Zone Objectives and Land Use Table	<p>(1) The Table at the end of this section specifies for each zone— Zone IN1 General Industrial</p> <p>1. Objectives of zone</p> <ul style="list-style-type: none"> ▪ To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space. ▪ To encourage employment opportunities along motorway corridors, including the M7 and M4. ▪ To minimise any adverse effect of industry on other land uses. ▪ To facilitate road network links to the M7 and M4 Motorways. ▪ To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment. ▪ To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone. <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p>	<p>The proposed use of the site as a data centre campus is permissible with consent in the IN1 General Industrial zone under the Industry and Employment SEPP. The proposal is consistent with the objectives of the IN1 Zone as it:</p> <ul style="list-style-type: none"> ▪ Will provide a high number of employment opportunities within close proximity to the M7, M4 and future M12 Motorways; ▪ Will provide a high-quality development that does no prejudice environmental sustainability; ▪ Will provide for employment-generating development which is accessible to the regional network; ▪ Has been designed to avoid unacceptable impacts on other land uses; ▪ will be of a high-design quality with appropriate consideration of sustainability and environmental impacts; ▪ Will provide key technology infrastructure to support surrounding industrial development; ▪ Has been carefully designed with regard to the principles of ESD to reduce energy and water consumption where feasible and practical; and ▪ Complements significant government investment in infrastructure in the local area, including the future Southern Link Road 	This Table and PART 7
Clause 2.14 - Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	The ultimate development involves the demolition of all existing buildings and structures, including existing hardstand and infrastructure.	N/A
Clause 2.17 - Requirements for development control plans (DCP)	<p>(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.</p> <p>(2) The requirements specified in Schedule 2 apply in relation to any such development control plan.</p> <p>(3) For the purposes of section 3.44(3) of the Act, a development control plan that is required by this section may be prepared and submitted by 60% of the owners of the land to which the plan applies.</p> <p>(4) The Minister is authorised, for the purposes of section 3.44(5)(b) of the Act, to act in the place of the relevant planning authority in accordance with that section.</p>	The MRP DCP 2021 applies to the site. The proposal has been assessed against the relevant parts of the MRP DCP 2021.	Refer to Appendix 34
Clause 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— (a) the consumption of potable water, and (b) greenhouse gas emissions.	The proposed development encompasses ecologically sustainable development where practical and feasible.	Appendix 13
Clause 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.	<p>The site is not subject to a maximum building height per the Industry and Employment SEPP. Notwithstanding, the site is subject to a maximum height of 20m in accordance with the MRP DCP 2021. This is subject to variation given that the proposed development is seeking a maximum building height of 40 metres from proposed pad level; 53.5m from existing ground level.</p> <p>A Visual Impact Assessment prepared, which provides a comprehensive assessment of the visual impact of the Data Centre Campus.</p>	PART 7



STATUTORY COMPLIANCE TABLE

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		<p>It is understood that the proposed building height will not adversely impact the amenity of adjoining properties. It is noted that DPPI have approved development up to 38m in height within the Yards Estate on Mamre Road related to the Ardex Manufacturing Facility determined under SSD-25725029.</p> <p>The separation of the potential building mass will provide a compatible scale with surrounding development and respond to the site topography. Offices are oriented to the street and reduced in height, providing visual interest and reducing perceived bulk.</p>	
Clause 2.21 - Rainwater Harvesting	<i>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.</i>	The proposed development includes water reuse including rainwater harvesting for mechanical systems. Rainwater from the roofs will be collected in rainwater harvesting tanks and to provide tanks to collect cooling tower discharge water for reuse.	PART 7 and Appendix 37
Clause 2.24 - Public Utility Infrastructure	<p>(1) <i>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.</i></p> <p>(2) <i>In this section, public utility infrastructure includes infrastructure for any of the following—</i></p> <ul style="list-style-type: none"> (a) <i>the supply of water,</i> (b) <i>the supply of electricity,</i> (c) <i>the supply of natural gas,</i> (d) <i>the disposal and management of sewage.</i> <p>(3) <i>This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.</i></p>	An Infrastructure Delivery Strategy Report accompanies the EIS which confirms existing infrastructure is readily available or can be augmented to cater for the utility needs of the proposal.	Appendix 21
Clause 2.25 - Development on or in vicinity of proposed transport infrastructure routes	<p>(1) <i>This section applies to any land to which this Chapter applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map.</i></p> <p>(2) <i>The consent authority must refer to the Secretary of the Department of Planning any application for consent to carry out development on land to which this section applies.</i></p> <p>(3) <i>The consent authority must, before determining any such development application, consider any comments made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.</i></p>	Since part of the site is in the vicinity of a proposed transport infrastructure route, being the future Southern Link Road corridor and the widening of Mamre Road, the consent authority must refer the SSDA to the Secretary of the DPPI for comment. It is noted that the DPPI are the assessing authority in this instance.	Appendix 10
Clause 2.26 - Exceptions to development standards	<p>(1) <i>The objectives of this section are—</i></p> <ul style="list-style-type: none"> (a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</i> (b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i> <p>(2) <i>Consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.</i></p> <p>(3) <i>Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—</i></p> <ul style="list-style-type: none"> (a) <i>compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i> (b) <i>there are sufficient environmental planning grounds to justify the contravention of the development standard.</i> <p>Note—</p>	The proposal does not involve any exceptions to development standards under the Industry & Employment SEPP. It is noted that variation is sought against the maximum building height of 20m as prescribed by the MRP DCP 2021.	N/A



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	<p>The <i>Environmental Planning and Assessment Regulation 2021</i> requires the development application to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).</p> <p>(4) The consent authority must keep a record of its assessment carried out under subsection (3).</p> <p>(5), (6) (Repealed)</p> <p>(7) This section does not allow consent to be granted for development that would contravene— (a) a development standard for complying development, or (b) section 2.29.</p>		
Clause 2.27 - Relevant acquisition authority	<p>(1) The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).</p> <p>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).</p> <p>(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</p>	The portion of the site zoned SP2 Infrastructure will be acquired by the relevant authority, identified as TfNSW.	N/A
Clause 2.30 - Design Principles	<p>In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration whether or not—</p> <p>(a) the development is of a high quality design, and</p> <p>(b) a variety of materials and external finishes for the external facades are incorporated, and</p> <p>(c) high quality landscaping is provided, and</p> <p>(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</p>	<p>The proposed development has been designed to maximise utility and functionality, which is reflective of its industrial land use. The proposal is also scaled appropriately to integrate into the built form topography of the surrounding locality and therefore demonstrates compatibility with the other employment-generating land uses proposed and under development in the area.</p> <p>The proposal will deliver a high-quality urban design outcome through the careful consideration of material, finishes and siting to reduce the perceived bulk and scale of the development. The boundary landscaping will enhance the development when viewed from the public domain and surrounding developments. By incorporating engaging and attractive design elements, such as well-designed architecture and inviting landscaped areas, the proposal will elevate the visual appeal from the site from the surrounding streetscape. Building setbacks are as per the relevant planning framework to provide development which is compatible with the existing and approved developments in the locality.</p>	Appendix 5
Clause 2.31 - Preservation of trees or vegetation	<p>(1) The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.</p> <p>(2) This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made under Division 3.6 of the Act.</p>	Development consent is required if tree removal is included as part of the proposal. It is noted that 215 trees are proposed for removal.	Appendix 12
Clause 2.34 - Development of land within or adjacent to transport investigation area	Consent must not be granted to development in the area marked "Transport Investigation Areas A and B" on the Land Zoning Map that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.	Part of the site is located within a transport investigation area and has an EDC greater than \$200,000. As such, the SSDA will be referred to TfNSW for concurrence.	N/A



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Clause 2.35 - Development within the Mamre Road Precinct	<p>(1) Consent must not be granted to development in the area marked "Transport Investigation Areas A and B" on the Land Zoning Map that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.</p> <p>(2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—</p> <ul style="list-style-type: none"> (a) the practicability and cost of carrying out transport projects on the land in the future, and (b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, transport projects on the land in the future, and (c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of transport projects on the land in the future, and (d) in relation to Transport Investigation Area A—current or future development and operation of an intermodal terminal, including whether the development for which consent is sought is likely to impede access to or from an intermodal terminal. 	<p>The site is located within the Mamre Road precinct and has a EDC greater than \$200,000. Concurrence with TfNSW is required under this clause.</p>	N/A
Clause 2.36 - Development in areas subject to aircraft noise	<p>(1) The objectives of this section are as follows—</p> <ul style="list-style-type: none"> (a) to prevent certain noise sensitive developments from being located near the Airport and its flight paths, (b) to assist in minimising the impact of aircraft noise from the Airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings, (c) to ensure that land use and development in the vicinity of the Airport do not hinder, or have other adverse impacts on, the ongoing, safe and efficient operation of the Airport. <p>(2) This section applies to development—</p> <ul style="list-style-type: none"> (a) on land that is— <ul style="list-style-type: none"> (i) in the vicinity of the Airport and its flight paths, and (ii) in either an ANEF contour of 20 or greater or an ANEC contour of 20 or greater, and (b) that the consent authority considers is likely to be adversely affected by aircraft noise. <p>(2A) Despite subsection (2), this section does not apply to development on land to which State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4 applies.</p> <p>(3) Before determining a development application for development to which this section applies, the consent authority—</p> <ul style="list-style-type: none"> (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and (c) must be satisfied that the development will meet the indoor design sound levels set out in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015. <p>(4) Despite another provision of this Chapter, development consent must not be granted to development on land to which this section applies for the purposes of a place of public worship, a centre-based child care facility or a TAFE establishment or for residential development.</p>	<p>The site is located outside the WSI Australian Noise Exposure Concept (ANEC). The WSI Airport Preliminary Draft Master Plan 2025 - 2045, includes a long-range composite Australian Noise Exposure Forecast (ANEF). The proposal is within the 20 - 25 ANEF. The relevant Australian Standard identifies building site acceptability. 'Light Industrial' is 'acceptable' in less than 30 ANEF and 'commercial buildings' 'acceptable' in less than 25 ANEF.</p>	Appendix 34
Section 2.37 - Airspace operations	<p>(1) The objectives of this section are as follows—</p> <ul style="list-style-type: none"> (a) to provide for the effective and ongoing operation of the Airport by ensuring that (b) such operation is not compromised by proposed development that penetrates the 	<p>The site is affected by the OLS Map for the WSI Airport; however, the maximum building heights are well below the aviation safety heights.</p>	Appendix 34



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	<p>(c) prescribed airspace for the Airport, (d) to protect the community from undue risk from that operation.</p> <p>(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the prescribed airspace, before granting development consent, the consent authority must consult with the relevant Commonwealth body about the application.</p> <p>(3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—</p> <p>(a) the development will penetrate the prescribed airspace but it has no objection to its (b) construction, or (c) the development will not penetrate the prescribed airspace.</p> <p>(4) To avoid doubt, the consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be constructed.</p>		
Clause 2.38 - Development of land adjacent to airport	<p>(1) The objectives of this section are as follows—</p> <p>(a) to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development in close proximity to the Airport, (b) to protect the community from undue risk from that operation.</p> <p>(2) This section applies to development on land, any part of which is less than 13 kilometres from a boundary of the Airport.</p> <p>(3) The consent authority must not grant consent for development to which this section applies unless the consent authority is satisfied that the proposed development will not attract birds or animals of a kind and in numbers that are likely to increase the hazards of operating an aircraft.</p>	The proposed development will not impact or affect the flight safety or the regularity of operation at the airport.	Appendix 34
Clause 2.40 - Earthworks	<p>(1) The objectives of this section are as follows—</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.</p>	The proposed earthworks will not have a detrimental impact as outlined in this EIS and supporting technical appendices. The proposed civil design has considered all relevant factors to create the most appropriate civil design for the amended development.	Appendix 39
		Not applicable.	N/A
	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the work is exempt development under this Chapter or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given.</p>	Development consent is required for the proposed earthworks.	N/A
	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(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,</p>	The proposal will not result in the disruption or detrimental effect on existing drainage patterns.	Appendix 39
		The proposed development is entirely appropriate for the land, noting the Mamre Road Precinct has been rezoned for industrial development, with the proposal being consistent with the Precinct Vision as described within the MRP DCP.	Appendix 39
		The proposal includes relatively balanced cut and fill, with all import materials will comply with the requirements of the requirements of the import fill protocol and geotechnical specifications for the development.	Appendix 39



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	(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	The proposed development will not result in any significant amenity impact to the surrounding properties with industrial warehouse development proposed directly to the east, south and west.	Appendix 39
	(e) the source of fill material and the destination of excavated material,	As above, the cut and fill balance on the site is reasonably balanced. Any fill to be exported from the site will sought to be used within the Mamre Road Precinct or surrounding areas.	Appendix 39
	(f) the likelihood of disturbing relics,	The likelihood of relics being distributed is considered unlikely, an unexpected finds protocol will be implemented as a mitigation measure.	Appendix 39
	(g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area,	There are no waterways, catchments or environmentally sensitive areas on the site or within its surrounding context.	Appendix 39
	(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,	The EIS includes measures that are proposed to mitigate the impact of development. Substantial design work has been carried out to avoid and minimise impacts through adjustments to the design of the proposal	Appendix 39
	(i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area,	No heritage items are located on the site or within its surrounding context.	Appendix 27 and 28
	(j) the visual impact of earthworks as viewed from the waterways.	The proposed development will not result in any visual impact from any waterways with no waterways within the immediate surrounding context of the site and the sites future surrounding context to consist of large format warehousing.	Appendix 39
Clause 2.41 - Development on flood prone land	(1) This section applies to development requiring consent that is carried out on flood prone land.	The Flood Impact and Risk Assessment concludes that with measures to convey and attenuate surface water runoff within the development site, the site is appropriate for development.	Appendix 20
Clause 2.42 - Heritage Conservation	<p>1) Objectives The objectives of this section are as follows—</p> <p>(a) to conserve the environmental heritage of the Western Sydney Employment Area,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 3 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p>	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared which identified an additional five (5) Aboriginal sites within the site. Notwithstanding, detailed management options and recommendations are included as part of the ACHA.</p> <p>The site is not a heritage item, nor is it within a heritage conservation area. There are no items of heritage significance within the vicinity of the site. Appropriate mitigation measures have been recommended which will be implemented at the construction phase to avoid any unforeseen impacts.</p>	Appendix 28



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	<p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>		
Clause 2.43 – Consent for clearing native vegetation	<p>1) A person must not clear native vegetation on land in Zone C2 Environmental Conservation or Zone RE1 Public Recreation without development consent.</p> <p>(2) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation caused by the clearing of the vegetation—</p> <p>(a) that there is no reasonable alternative available to the disturbance of the native vegetation,</p> <p>(b) that any impact of the proposed clearing on biodiversity values is avoided or minimised,</p> <p>(c) that the disturbance of the native vegetation will not increase salinity,</p> <p>(d) that native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction,</p> <p>(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation,</p> <p>(f) that the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.</p> <p>(3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land zoned E2 Environmental Conservation have regard to the objectives for development in that zone.</p>	<p>No works are proposed within the C2 zone.</p> <p>The majority of the site has been bio-certified as urban capable under the Cumberland Plain Conservation Plan (CPCP) and as such does not require further biodiversity assessment. A Biodiversity Development Assessment Report has been prepared to assess the areas within the site not identified as urban capable.</p>	Appendix 15
Clause 2.44 – Stormwater, water quality and water sensitive design	<p>(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.</p> <p>(2) Before granting development consent to development on land to which this Chapter applies, the consent authority must take into consideration whether—</p> <p>(a) water sensitive design principles are incorporated into the design of the development, and</p> <p>(b) riparian, stormwater and flooding measures are integrated, and</p> <p>(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</p> <p>(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</p> <p>(e) the development will have an adverse impact on—</p> <p>(i) the water quality or quantity in a waterway, including the water entering the</p> <p>(ii) waterway, and</p> <p>(iii) the natural flow regime, including groundwater flows to a waterway, and</p> <p>(iv) the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and</p> <p>(v) the stability of the bed, banks and shore of a waterway, and</p> <p>(f) the development includes measures to retain, rehabilitate and restore riparian land.</p>	<p>The proposed development will incorporate water sensitive urban design (WSUD) principles, riparian, stormwater and flood measures, and stormwater management. The proposed development is required to provide measures to retain and rehabilitate any areas where adverse impacts have occurred as a result of the development.</p> <p>Refer to the Civil Infrastructure Report and Water and Stormwater Management Plan, which is supported by the Civil Drawings. An assessment against the consideration under Section 2.44 (2) is provided below:</p> <ul style="list-style-type: none"> ▪ A Water Sensitive Urban Design Strategy has been developed; ▪ Riparian, stormwater and flooding have been considered a part of the Water and Stormwater Management Plan; ▪ The Water and Stormwater Management Plan includes all reasonable management strategies and will not comprise adverse environmental impact; ▪ The proposed stormwater management plan will not result in any adverse environmental impact; ▪ The proposed development does not result in any adverse impacts on the water quality or quantity, flow, aquatic environment or the stability of a water bed; and ▪ No riparian land is located within the site. 	Appendix 37



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	<p>(3) For the purposes of subsection (2)(a), the water sensitive design principles are as follows—</p> <p>(a) protection and enhancement of water quality, by improving the quality of stormwater runoff from catchments,</p> <p>(b) minimisation of harmful impacts of development on water balance and on surface and groundwater flow regimes,</p> <p>(c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity,</p> <p>(d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water.</p>		
Clause 3.6 - Granting consent to signage	<p>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</p> <p>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p> <p>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</p>	<p>The proposal includes signage for wayfinding. The proposed signage is consistent with the objectives as it is directly associated with the proposed development, provides effective communication in suitable locations and will be of a high quality design and finish. The proposed signage satisfies Schedule 5 as outlined below.</p>	Appendix 4
State Environmental Planning Policy (Industry and Employment) 2021			
Schedule 5 - Assessment Criteria			
1 Character of the area	<p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposal is within a developing industrial precinct. The proposed signage will be compatible with other signage in the locality and is comparable with signage at other data centres. The location, scale and dimensions are appropriate based on the site context and industrial development signage within the area.</p>	This Table and Appendix 4
2 Special Areas	<p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, natural or other conservation areas, open space areas, waterways or rural landscapes. The proposed signage will not adversely impede the visibility of other signage within the surrounding area.</p>	This Table Appendix 4
3 Views and Vistas	<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>Wall signs will not obstruct any important views as they are on the upper level of external façades and will not protrude above the buildings. Pylon signage will be well setback from the streets to ensure no views are blocked. The signage will not dominate the skyline or impact the viewing rights of other advertisers. The signage will not obstruct viewing towards any other signage.</p>	This Table Appendix 4
4 Streetscape, setting or landscape	<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The proposed signage is compatible with the scale of the proposed streetscape and setting. The proposed signage will incorporate high-quality materials and finishes and provide a coherent and integrated colour scheme based on the branding, logo and colours of the operator. The signage will appropriately reflect the future design and character of the data centre development and will not present visual clutter. The proposed signage will not protrude above any buildings or tree canopies or require ongoing vegetation management.</p>	This Table and Appendix 4



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	Does the proposal require ongoing vegetation management?		
5 Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage will be of suitable scale and design for its intended purpose, occupying only a small portion of the external façades. The signage will not be the dominant visual feature and is below the roof line. The signage will be strategically positioned to clearly identify buildings and key areas.	This table and Appendix 4
	Does the proposal respect important features of the site or building, or both?		
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
6 Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage is to be internally illuminated. The signage will display buildings name and logo. Illumination devices are integrated into the design of the signage.	This table and Appendix 4
7 Illumination	Would illumination result in unacceptable glare?	The illuminated signage is not anticipated to have any negative impacts in terms of glare. The signage is not expected to impact the safety of pedestrians, vehicles, or aircraft is to result from the intended lighting. The intensity of illumination can be adjusted if required.	This table and Appendix 4
	Would illumination affect safety for pedestrians, vehicles or aircraft?		
	Would illumination detract from the amenity of any residence or other form of accommodation?		
	Can the intensity of the illumination be adjusted, if necessary?		
	Is the illumination subject to a curfew?		
8 Safety	Would the proposal reduce the safety for any public road?	The proposed signage will not distract motorists. The signage will be located towards the top of the buildings and therefore will not be in motorist line of sight while driving. Pylon signage will be well set back from the streets. No safety implications for pedestrians or vehicular users are envisaged.	This table and Appendix 4
	Would the proposal reduce the safety for pedestrians or bicyclists?		
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		
State Environmental Planning Policy (Resilience and Hazards) 2021			
Chapter 3 Potentially hazardous or potentially offensive development			
Clause 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.	<p>In order to determine whether the proposed development is a potentially hazardous development, the risk screening method described in <i>Applying SEPP 33 - Hazardous and Offensive Development Application Guidelines</i> (Applying SEPP 33) was applied to the proposed development. The risk screening is based on the potential for, and consequences of, an explosion, fire, or release of toxic substances. It takes the following factors into account:</p> <ul style="list-style-type: none"> ▪ The properties of the substances being handled or stored; ▪ The conditions of storage or use; ▪ The quantity involved; ▪ The location in respect to the site boundary; and ▪ The surrounding land use. <p>At this stage, it is not intended that any of the buildings at the site will provide for the storage of dangerous goods in excess of the thresholds established under Applying SEPP 33.</p>	Appendix 22



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Chapter 4 Remediation of land			
Clause 4.6 - Contamination and remediation to be considered in determining development application	<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>(4) The land concerned is—</p> <p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	In response to the Detailed Site Investigation (DSI) identifying contamination on the amended development site, a Remediation Action Plan (RAP) has been prepared. The DSI and RAP concluded the site can be made suitable for the proposed data centre campus subject to the successful implementation of the normal construction mitigation measures, including the preparation and implementation of an unexpected finds protocol.	Appendix 24
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Chapter 2 Infrastructure			
Clause 2.122 - Traffic-generating development	<p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>(2) In this section, relevant size or capacity means—</p> <p>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</p>	Section 2.121 requires the consent authority to provide Transport for NSW with written notice of the development application for developments considered a 'traffic generating activity'. The proposal is a 'traffic generating activity' as it is for a warehouse or distribution centre with a site area of more than 8,000m ² .	Appendix 10



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	<p>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p> <p>Schedule 3 - Traffic generating development to be referred to TfNSW Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road) Any other purpose - 50 or more motor vehicles per hour</p>		
State Environmental Planning Policy (Sustainable Buildings) 2022			
Chapter 3 - Standards for non-residential development			
Clause 3.2 - Development consent for non-residential development	<p>(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</p> <p>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</p> <p>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</p> <p>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</p> <p>(d) the generation and storage of renewable energy,</p> <p>(e) the metering and monitoring of energy consumption,</p> <p>(f) the minimisation of the consumption of potable water.</p> <p>(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.</p>	The proposed development will implement sustainability measures where practical and feasible for the purpose of the proposed data centre operations.	Appendix 13
State Environmental Planning Policy (Precinct - Western Parkland City) 2021			
Chapter 4 Western Sydney Aerotropolis			
Part 4.3 Development Controls - Airport Safeguards			
Clause 4.17 - Aircraft noise	<p>(1) The objectives of this section are—</p> <p>(a) to prevent certain noise sensitive development on land near the Airport, and</p> <p>(b) to minimise the impact of aircraft noise for other noise sensitive development, and</p> <p>(c) to ensure that land use and development near the Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient 24 hours a day operation of the Airport.</p> <p>(2) Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.</p> <p>(3) Subsection (2) applies despite the following—</p> <p>(a) Part 2, Divisions 7 and 8 of <u>State Environmental Planning Policy (Affordable Rental Housing) 2009</u>,</p> <p>(b) Chapter 3 of State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004,</p>	The proposal is considered as 'Other Industrial' which can be accommodated within ANEF zones as per the Australian Standard (AS2021-2015),	Appendix 34



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	<p>(c) <u>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</u>.</p> <p>(4) Despite subsection (2), development consent may be granted to development for the purposes of dwelling houses on land that is in an ANEF or ANEC contour of 20 or greater if—</p> <p>(a) immediately before the commencement of this Chapter—</p> <p>(i) there were no dwellings on the land, and</p> <p>(ii) development for the purposes of dwelling houses was permitted on the land, and</p> <p>(b) the consent authority is satisfied that the development will meet the indoor design sound levels</p>		
Clause 4.18 - Building Wind Shear and Turbulence	<p>(1) The objective of this section is to safeguard Airport operations from wind shear and turbulence generated by buildings.</p> <p>(2) This section applies to development—</p> <p>(a) on land shown as the “Windshear Assessment Trigger Area” on the <u>Lighting Intensity and Wind Shear Map</u>, and</p> <p>(b) that penetrates the 1:35 surface.</p> <p>(2A) Development consent must not be granted to the development unless the consent authority has consulted the relevant Commonwealth body.</p> <p>(3) For the purposes of this section, development penetrates the 1:35 surface if the distance from the runway centreline to the closest point of the building is less than or equal to 35 times the height above runway level of the building.</p>	The site is located beyond the airport boundary and will not have the risk of generating windshear and turbulence at the airport. The buildings and the cranes will not have an impact upon the airport.	N/A
Clause 4.19 - Wildlife hazards	<p>(2) Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority—</p> <p>(a) has consulted the relevant Commonwealth body, and</p> <p>(b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes—</p> <p>(i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and</p> <p>(ii) whether any of the wildlife is a threatened species, and</p> <p>(iii) a description of how the assessment was carried out, and</p> <p>(c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to—</p> <p>(i) waste management, landscaping, grass, fencing, stormwater or water areas, or</p> <p>(ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.</p> <p>(3) Despite subsection (2), development for the following purposes is prohibited on land in the 3 km wildlife buffer zone—</p> <p>(a) livestock processing industries,</p> <p>(b) turf farming,</p> <p>(c) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste.</p>	The site currently comprises open vegetation paddocks. The industrial estate will consume a significant amount of this grassland and farming activity, effectively reducing the amount of wildlife present in the area that could cause a hazard to overflying aircraft.	Appendix 34
Clause 4.20 - Wind Turbines	<p>(2) Development for the following purposes is prohibited on land in the 3 km zone—</p> <p>(a) electricity generating works comprising a wind turbine,</p> <p>(b) wind monitoring towers that are not ancillary or incidental to the Airport.</p> <p>(3) Development consent must not be granted to development for the purposes of a large wind monitoring tower in the 3-30 km zone unless the consent authority has consulted the relevant Commonwealth body.</p>	The proposed development does not comprise electricity generating works in the form of wind turbines or wind monitoring towers.	N/A



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	(4) Development consent must not be granted to development for the purposes of an electricity generating works comprising a wind turbine on land in the 3-30 km zone unless the consent authority— (a) has consulted the relevant Commonwealth body, and (b) has considered a written assessment of the risk of the development to the safe operation of the Airport provided by the applicant, and (c) is satisfied that the development will adequately mitigate the risk to the safe operation of the Airport.		
Clause 4.21 - Lighting	(2) Development consent must not be granted to development for the following purposes on land shown as the "6km Lighting Intensity Radius", a "Light Control Zone" or a "Runway Boundary" on the <u>Lighting Intensity and Wind Shear Map</u> unless the consent authority has consulted the relevant Commonwealth body— (a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes— (i) classified roads, (ii) freight transport facilities, (iii) heavy industrial storage establishments, (iv) recreation facilities (major), (v) recreation facilities (outdoor), (b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.	The development site is located outside of the Lighting Intensity Zones and will not have any impact on the Airport operations from the risk of lighting and reflectivity distractions for pilots at Western Sydney Airport.	N/A
Clause 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.	Planned activity on the site is not likely to produce such an exhaust plume and therefore not have an impact on WSA. With maximum building heights projected to be beneath 188 m AHD there will not be any infringements of the PANS-OPS for Western Sydney Airport. There is also adequate clearance for typical construction cranes to be used on the site. Further, the site will not have any impact upon the performance of ATC Communications systems installed at WSA. The site is located outside the Building Restricted Areas (BRA) and will not have any impact upon the performance of navigation aids installed at WSA.	Appendix 34
Clause 4.23 - Public Safety	(3) Development consent must not be granted to development for a purpose not specified in subsection (2) on land shown as the "public safety area" on the <u>Public Safety Area Map</u> unless the consent authority— (a) has considered a written assessment of the risk of the development to persons provided by the applicant, which includes— (i) the risk to persons on the land in the event of an emergency or other incident at or around the Airport, including an incident involving an aircraft landing or taking off from the Airport, and (ii) the likely number of people who will use or otherwise be present on the land, and (iii) the compatibility of the development with the risk, including in relation to the number of people who will use or otherwise be present on the land, and (b) is satisfied that the development will adequately mitigate the risk to persons on the land, including by limiting the number of people or vehicles.	The Site is located clear of the Public Safety Areas at runway ends.	Appendix 34
Clause 4.23A - Operation of certain air transport facilities	(1) The objective of this section is to regulate development that may impact the operation of certain air transport facilities. (2) Development consent must not be granted to development on land shown as the "Building Restricted Area" on the <u>Building Restricted Area Map</u> unless the consent authority— (a) has consulted the relevant Commonwealth body, and	The site is not within the "Building Restricted Area".	Appendix 34



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	<i>(b) is satisfied that the development will not adversely impact the operation of communication and air traffic control facilities or structures associated with the Airport's air transport facilities.</i>		



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Other Matters for Consideration

State Environmental Planning Policies			
Legislation/Statutory Reference	Matters for Consideration	Assessment	Section in the EIS/Document Reference
Commonwealth Environmental Protection and Biodiversity Conservation Act 1999			
Division 1 Requirements relating to matters of national environmental significance	<i>Division 1—Requirements relating to matters of national environmental significance</i>	The proposed development does not warrant any impacts on MNES, therefore no further consideration is required.	Appendix 15
Biodiversity Conservation Act 2016			
Division 2 Biodiversity assessment requirements	<p>(1) This section applies to—</p> <p>(a) an application for development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> for State significant development, and</p> <p>(b) an application for approval under Division 5.2 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out State significant infrastructure.</p> <p>(2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>(3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the <i>Environmental Planning and Assessment Act 1979</i>.</p>	The majority of the site is certified as urban capable land under the Cumberland Plain Conservation Plan (CPCP) and does not require assessment under the Biodiversity and Conservation Act 2016 (BC Act) and regulations. An assessment of the excluded land has been undertaken with the BDAR.	Appendix 15
Federal Airports Act 1996			
Section 182 Controlled Activities	<p>(1) For the purposes of this Division, the following activities are controlled activities in relation to a prescribed airspace:</p> <p>(a) constructing a building, or other structure, that intrudes into the prescribed airspace;</p> <p>(b) altering a building or other structure so as to cause the building or structure to intrude into the prescribed airspace;</p> <p>(c) any other activity that causes a thing attached to, or in physical contact with, the ground to intrude into the prescribed airspace; operating a source of artificial light, where:</p> <p>(i) the intensity of the light emitted exceeds the level ascertained in accordance with the regulations; and</p> <p>(ii) the light is capable of blinding or confusing pilots of aircraft operating in the prescribed airspace;</p> <p>(e) operating prescribed plant, or a prescribed facility, that reflects sunlight, where:</p> <p>(i) the intensity of the reflected sunlight exceeds the level ascertained in accordance with the regulations; and</p> <p>(ii) the reflected sunlight is capable of blinding pilots of aircraft operating in the prescribed airspace;</p> <p>(f) an activity that results in air turbulence, where:</p> <p>(i) the level of the turbulence exceeds the level ascertained in accordance with the regulations; and</p>	The proposed development does not include activities that result in intrusions into prescribed airspace and controlled activities that may require approval under section 182 of the <i>Federal Airports Act 1996</i> .	Appendix 34



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	<p><i>(ii) the turbulence is capable of affecting the normal flight of aircraft operating in the prescribed airspace;</i></p> <p><i>(g) an activity that results in the emission of smoke, dust or other particulate matter, where:</i></p> <p><i>(i) the emission exceeds the level ascertained in accordance with the regulations; and</i></p> <p><i>(ii) the smoke, dust or particulate matter is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules;</i></p> <p><i>(h) an activity that results in the emission of steam or other gas, where:</i></p> <p><i>(i) the emission exceeds the level ascertained in accordance with the regulations; and</i></p> <p><i>(ii) the steam or gas is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules.</i></p> <p>Note: Prescribed airspace is defined by section 181.</p> <p><i>(2) Regulations must not be made for the purposes of paragraph (1)(d), (e), (f), (g) or (h) unless it is in the interests of the safety, efficiency or regularity of existing or future air transport operations to do so.</i></p> <p><i>(3) Paragraphs (1)(d), (e), (f), (g) and (h) do not apply to:</i></p> <p><i>(a) an ordinary domestic or household activity; or</i></p> <p><i>(b) anything arising out of the operation of an aircraft.</i></p>		

