



APPENDIX B – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>(a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	<p>The Proposal will deliver critically needed data storage space in a highly suitable and accessible location. The Proposal will optimise significant government infrastructure investment, including the future Southern Link Road. It will generate local and regional employment opportunities close to the fast-growing population of Western Sydney during both the construction and operational phases. Unlike typical data centre developments, it provides a significant component of office floor space which supports employment generation. Overall, the Proposal will deliver approximately 1,111 construction jobs and 411 full-time employment opportunities once operational.</p> <p>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.</p>	Section 7
	<i>(b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-</i>	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	Section 6.2 Appendix N

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>making about environmental planning and assessment</i>	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 <i>Environmental Planning and Assessment Regulation 2021</i> .	
	<i>(c) To promote the orderly and economic use and development of land</i>	The Proposal is permissible with consent in the IN1 zone under the I&E 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.	Section 4.1
	<i>(d) To promote the delivery and maintenance of affordable housing</i>	Not applicable to this Proposal.	N/A
	<i>(e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The site does not contain any significant environmental features, areas of geological interest or riparian corridors. There are no known threatened species, populations, endangered ecological communities or critical habitat within the development site. A request to waive the requirement for a BDAR was prepared by Narla Environmental and submitted to DPPI on 29 January 2024. A BDAR waiver was subsequently issued by the DPPI for the Project on 29 February 2024.	Section 4 Appendix FF
	<i>(f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	An Aboriginal Cultural Heritage Assessment (ACHA) was prepared which concluded that the site is unlikely to contain any items of Aboriginal heritage significance. The	Sections 6.2 Appendix U

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		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.	Appendix V
	<i>(g) To promote good design and amenity of the built environment</i>	The Proposal promotes good design and improves the amenity of the built environment. The Proposal will transform a vacant site into a high-quality development which 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 material and finishes to reduce perceived bulk and scale and create visual interest. By incorporating engaging and attractive design elements, such as well-designed architecture, landscaping and shared spaces for staff and visitors, the Proposal will elevate the visual appeal from the site from the surrounding streetscape.	Sections 6.1 Appendix E Appendix F
	<i>(h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The Proposal will comply with the Building Code of Australia (BCA) to ensure the health and safety of workers and visitors to the site.	Section 6.2 Appendix I Appendix BB
	<i>(i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The State Significant Development (SSD) application will be assessed and determined by the Minister for Planning or the Independent Planning Commission. Relevant Council and government agencies have been consulted during the process and preparation of the SSDA.	Sections 6 and 7

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>(j) To provide increased opportunity for community participation in environmental planning and assessment.</i>	Community consultation and engagement with relevant stakeholder groups has been undertaken throughout the planning and design process. Further consultation will occur during the formal exhibition period and Project delivery phases.	Section 5 Appendix D
Section 4.14	Requires the Proposal to comply with the requirements of <i>Planning for Bushfire Protection 2019</i> 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 Protection 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>	Section 6.2.7 Appendix AA
Section 4.15	Relevant environmental planning instruments: <ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)</i> ▪ <i>State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)</i> 	See below details under State Environmental Planning Policies (SEPPs).	Section 4

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Draft environmental planning instruments:	Not applicable to this Proposal.	N/A
	Relevant planning agreement or draft planning agreement	Not applicable to this Proposal.	N/A
	Development control plans: <ul style="list-style-type: none"> ▪ Western Sydney Employment Area – Fairfield Development Control Plan 2016 (WSEA Fairfield DCP) 	Section 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to State Significant Development. As such, there is no requirement for assessment of the Proposal against the WSEA Fairfield DCP. Regardless, detailed consideration has been given to the relevant provisions of the WSEA Fairfield DCP in the preparation of the Proposal and as outlined further within this Table.	Section 4.1 Appendix B
	The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on 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.	Sections 6 and 7.5
	The suitability of the site for the development	The suitability of the site for the Proposal is demonstrated in the EIS.	Section 7.6
	Any submissions made	Submissions will be considered following exhibition of the application and will be responded to in accordance with the State Significant Development Guidelines – preparing a Submissions Report.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	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 I&E SEPP and Fairfield WSEA DCP. 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.	Addressed throughout EIS Section 7.7 Appendix B
<i>Environmental Planning and Assessment Regulation 2021</i>			
Section 192	Content of environmental impact statement	The EIS provided with this SSDA contains the requisite content required by the EPA Regulation and follows the structure outlined in Section 3 of the State significant development guidelines – preparing an environmental impact statement.	Addressed throughout EIS
Section 193	Principles of ecologically sustainable development	The Proposal has considered the principles of ESD at each stage of design and development. An ESD Report has been prepared which outlines the sustainability initiatives to be implemented into the Project.	Section 6.2 Appendix N
<i>Biodiversity Conservation Act 2016</i>			
Section 7.9 and 7.14	The Minister for Planning may (but is not required to) further consider under the Biodiversity Conservation Act 2016 the likely impact of the proposed development on biodiversity values.	Section 7.9 requires a SSDA to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine the proposed development is	Sections 4.1 Appendix FF

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>not likely to have any significant impact on biodiversity values.</p> <p>A request to waive the requirement or a BDAR was prepared by Narla Environmental and submitted to DPHI on 29 January 2024. A BDAR waiver was subsequently issued by the DHPI for the Project on 29 February 2024.</p>	
State Environmental Planning Policy (Planning Systems) 2021			
Section 2.6 – Declaration of State significant development	<p>Section 2.6 states that development is declared to be state significant development for the purposes of the Act if:</p> <ul style="list-style-type: none"> ▪ 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 ▪ The development is specified in Schedule 1 or 2 	<p>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:</p> <p>The proposed data centre has a megawatt capacity of 157 megawatts and accordingly, the Proposal is classified as SSD for the purposes of the Planning Systems SEPP.</p>	Section 4.1
State Environmental Planning Policy (Sustainable Buildings) 2022			
Chapter 3 – Standards for non-residential development	<p>The consent authority must consider whether the development has been designed to enable:</p> <ul style="list-style-type: none"> ▪ Minimisation of waste from demolition and construction, including by the choice and reuse of building materials ▪ Reduction in peak demand for electricity, including through the use of energy efficient technology 	<p>The proposed development will implement the following sustainability measures:</p> <ul style="list-style-type: none"> ▪ LED type luminaire fittings will be provided which provide efficient lighting along with motion sensor controls for occupied spaces. ▪ The mechanical system will utilise high efficiency chillers supplying high temperature chilled water to data hall cooling plant to maximise energy efficiency when chillers run, reducing energy consumption. 	Section 6.2 Appendix N Appendix EE Appendix HH

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ Reduction in reliance of artificial lighting and mechanical heating and cooling through passive design ▪ Generation and storage of renewable energy ▪ Metering and monitoring of energy consumption ▪ Minimisation of consumption of potable water 	<ul style="list-style-type: none"> ▪ Fixture selection will adhere to Green Star requirements for flow efficiency. ▪ Rainwater from the roof will be collected in rainwater harvesting tanks. ▪ Implementation of a construction and demolition waste management plan will inform regarding major waste streams generated, including disposal and diversion rates. ▪ Plant selection will be based off the energy modelling analysis. Roofing materials will be in accordance with Green Star urban heat island requirements. ▪ Increased HVAC monitoring schedule will ensure fitters are replaced frequently to maintain fresh airflow in conditioned areas as a measure for bushfire smoke. ▪ To further address the requirements of this SEPP, an ESD Report, Energy Efficiency and Greenhouse Gas Assessment and Emissions Embodiment Form has been prepared. 	
State Environmental Planning Policy (Resilience and Hazards) 2021			
Chapter 3 Potentially hazardous or potentially offensive development	Part 3 applies to any Proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.	The EIS is accompanied by a Hazards and Risks Report prepared by ARUP. This report includes a preliminary screening which shows that neither the storage nor transportation thresholds are exceeded and accordingly, the facility is not considered 'potentially hazardous' under the R&H SEPP.	Section 6.1 Appendix II

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Chapter 4 Remediation of land	Section 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	The EIS is accompanied by a Contamination and Remediation Status Letter prepared by JKE. This letter confirms the site has been satisfactorily remediated and is suitable (from a contamination perspective) for the proposed data centre (high tech industry land use).	Section 6.2 Appendix T
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Section 2.122 – Traffic generating development	Traffic generating development specified at Schedule 3 requiring referral to Transport for NSW (TfNSW) includes 'industry: <i>20,000m² in site area or (if the site area is less than the gross floor area) gross floor area.</i>	The Proposal has a gross floor area of 63,654m ² and accordingly, considered traffic generating under the T&I SEPP. The application will be required to be referred to TfNSW for a response.	Section 6.1 Appendix M
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Sections 8.7 and 8.8	A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.	The Project is located on land within the Sydney drinking water catchment. The nature of this Project and the location of the site are such that there are no specific controls which directly apply, except for the objective of improved water quality. The proposed development has been designed in accordance with the stormwater management scheme for the Council as outlined in the Civil Engineering Report and Civil Plans and is therefore unlikely to result in any significant environmental impacts.	Section 6.2 Appendix R Appendix S

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>			
Chapter 2: Western Sydney Employment Area			
Part 2.2 Permitted or prohibited development			
Section 2.8 Zoning and Land Use	<p>The site is zoned IN1 General Industrial in accordance with Chapter 2 of the I&E SEPP. The zone objectives are as following:</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>The Proposal accords with the zone objectives in that it:</p> <ul style="list-style-type: none"> ▪ 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 appropriately designed and incorporates mitigation measures to ensure it will not unreasonably impact on the amenity of the RU4 zoned land to the east. ▪ has been carefully designed with regards to the principles of ESD to reduce energy and water consumption. ▪ complements significant government investment in infrastructure in the local area, including the future Southern Link Road. 	Section 4 and throughout the EIS.

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<p>Permissibility</p>	<p>A data centre is permitted in the IN1 zone under the I&E SEPP.</p>	<p>The proposed development constitutes a ‘data centre’ which is defined as following:</p> <p><i>data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.</i></p> <p>Data centres are a type of ‘high technology industry’ which in turn, is considered a type of ‘light industry’ which sits under the group term of ‘industry’. Industries (other than offensive or hazardous industries) are permitted with consent in the IN1 General Industrial zone.</p> <p>The data centre includes 10,738m² of ancillary office space and innovation floor space which is subordinate or subservient to the dominant use in accordance with Planning Circular PS 21-008 (‘How to characterise development’) and outlined in detail in the EIS. Accordingly, the office and innovation components are also permitted under the ‘data centre’ use.</p> <p>The Proposal also includes a café at ground level which will primarily be used by NEXTDC workers and visitors. However, a café is categorised as a ‘food and drink premises’ and is permitted with consent in the IN1 zone, enabling its approval as a stand-alone/independent land use activity rather than as an ancillary use.</p>	<p>Section 4</p>
<p>Part 2.3 Development Control Plans</p>			
<p>2.17 Requirement for development control plans</p>	<p>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</p>	<p>The WSEA Fairfield DCP has been prepared for the land and has been addressed.</p>	<p>Appendix B</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	authority must not grant consent to development on any land to which this Chapter applies unless a development control plan has been prepared for the land.		
Part 2.4 Principles Development Standards			
2.19 Ecologically sustainable development	The consent authority must not grant consent unless it is satisfied that adequate measures have been incorporated into the Proposal to minimise potable water consumption and greenhouse gas emissions.	<p>The Proposal seeks to implement the most up to date technologies which use less energy. Sustainability initiatives will be implemented including:</p> <ul style="list-style-type: none"> ▪ Efficient building systems including LED lighting with smart controls. ▪ Providing areas including rooftop solar photovoltaic (PV). ▪ Selecting low embodied carbon materials and energy efficient equipment. ▪ Installing efficient fixtures and fittings for toilets and sanitary appliances ▪ Rainwater harvesting and reuse for irrigation and toilet flushing. ▪ Raingardens and Water-Sensitive Urban Design (WSUD) to remove pollutants from the rainwater and reduce irrigation requirements. 	Section 6.2 Appendix N

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<p>2.20 Height of buildings</p>	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that –</p> <ul style="list-style-type: none"> ▪ Building heights will not adversely impact on the amenity of adjacent residential areas, and ▪ Site topography has been taken into consideration. 	<p>The proposed building heights have been assessed in accordance with the merit-based criteria which apply under the I&E SEPP. It is noted only the section 2.20 provisions apply in terms of assessing height as the RU4 zone is primarily intended for agricultural, rather than residential land use activities, and as such section 2.22 does not apply (refer additional details below).</p> <p>The Proposal is considered acceptable as it provides an 18-metre setback to the eastern boundary with a total building separation of 43 metres to the nearest dwelling. The large setback to the RU4 land minimises potential amenity impacts, including overshadowing, visual privacy and noise. The site also slopes downwards from east to west, reducing sightlines and the perceived height of the development from the RU4 land. An overshadowing analysis undertaken by HDR shows the Proposal will not result in any discernible shadow impacts to the adjoining RU4 zone land apart from a brief period after 3pm during the winter solstice.</p> <p>The separation of the potential building mass will provide a compatible scale with surrounding development and respond to the site topography established through the subdivision approval. Offices are oriented to the street and reduced in height, providing visual interest and reducing perceived bulk. Changes to visual amenity may be experienced by nearby residents. However, increased tree canopy coverage and density of vegetation along the eastern boundary and Burley Road frontage will avoid significant adverse visual impacts.</p>	<p>Sections 6.1</p> <p>Appendix E</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
2.21 Rainwater harvesting	The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Secretary.	Rainwater from the roofs will be collected in rainwater harvesting tanks and to provide tanks to collect cooling tower discharge water for reuse	Section 6.2 Appendix R
2.22 Development adjoining residential land	<p>This section applies to any land to which this Chapter applies that is within 250 metres of land zoned primarily for residential purposes. The consent authority must not grant consent to development on land to which this section applies unless it is satisfied that—</p> <ul style="list-style-type: none"> ▪ wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and ▪ goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and ▪ the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and 	The LEC case associated with the original subdivision approval (DA893-2013) confirmed the site is not located within 250 metres of land zoned for residential purposes. The adjoining land is currently zoned RU4 Primary Production Small Lots and is primarily intended for agricultural, rather than residential land use activities. Therefore, this section is not required to be addressed.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and ▪ the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and ▪ the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and ▪ the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment. 		
2.24 Public utility infrastructure	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.	An Infrastructure Requirements Report accompanies the EIS which confirms existing infrastructure is readily available or can be augmented to cater for the utility needs of the S4 Proposal.	Section 6.1 Appendix Y
Part 2.5 Miscellaneous provisions			
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> <ul style="list-style-type: none"> ▪ the development is of a high-quality design, and 	<p>The S4 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.</p> <p>The boundary landscaping will enhance the development when viewed from the public domain and surrounding</p>	Sections 6.1 and Section 7.5. Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ a variety of materials and external finishes for the external facades are incorporated, and ▪ high quality landscaping is provided, and ▪ the scale and character of the development is compatible with other employment-generating development in the precinct concerned. 	developments. By incorporating engaging and attractive design elements, such as well-designed architecture and inviting landscaped areas, the Project 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.	Appendix J
2.31 Preservation of trees of vegetation	Development consent is required if tree removal is included as part of the Proposal.	This section does not apply as no tree removal is proposed.	N/A
2.36 Development in areas subject to aircraft noise	This section applies to development on land that is in the vicinity of the Airport and its flight paths, and in either an ANEF or ANEX contour of 20 or greater, and which the consent authority considers is likely to be adversely affected by aircraft noise.	The site is located within the 20-25 ANEC noise contour for the Western Sydney International (WSI) Airport. A 'data centre' is categorised as a light industrial development which is acceptable within an ANEF contour less than 30 ANEF. Therefore, this section does not apply to the Proposal.	Section 4
2.37 Airspace operations	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.	The site is affected by the OLS Map for the WSI Airport; however, the maximum building heights are well below the aviation safety heights.	Section 4
2.41 Development on flood prone land	Development consent must not be granted unless the consent authority is satisfied the development will satisfy the relevant flooding provisions.	The site is not affected by overland flows as detailed within the Flood Risk Assessment. The Proposal has been designed to be compliant with Council's flood planning requirements.	Section 6.2 Appendix Q

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
2.42 Heritage conservation	Development consent is required for the erection of a building on land on which a heritage item is located or that is within a heritage conservation area, or on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	The subject site is not listed as a heritage item under the I&E SEPP. The site is not located within the vicinity of any heritage items or heritage conservation areas. An ACHA has been prepared by Urbis which concludes there were no items of Aboriginal cultural significance on the site. The likelihood the site containing items of Aboriginal heritage is low. An unexpected finds protocol has been provided and outlined within the EIS.	Sections 6.2 Appendix U Appendix V
2.43 Consent for clearing native vegetation	A person must not clear native vegetation on land in Zone C2 Environmental Conservation without development consent.	N/A – no works are proposed within the C2 zone.	N/A
2.44 Stormwater, water quality and water sensitive design	The Proposal must incorporate water sensitive design principles into the design of the development.	The Proposal incorporates water sensitive design principles into the design of the development. This includes on-site detention and rainwater harvesting. Other water management principles include: <ul style="list-style-type: none"> ▪ Site wide stormwater pit and pipe network to account for stormwater conveyance. ▪ An erosion and sediment control plan to manage stormwater quality and quantity on site during the construction phase of the development. ▪ On site stormwater quality treatment to mitigate the impacts of the site on downstream water quality. 	Section 6.2.9 Appendix R Appendix S
Chapter 3 Advertising and signage			
3.1 Preliminary	A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.	Consent is sought for business identification signage. An assessment has been undertaken against the criteria provided in Schedule 5 on the following pages.	Section 3 Appendix KK

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
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 which it is proposed to be located?</p> <p>Is the Proposal consistent with a particular theme for outdoor advertising in the area or locality?</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 NEXTDC data centres. The location, scale and dimensions are appropriate based on the site context and industrial development signage within the area.</p>	Appendix KK
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 area, waterways or rural landscapes. The proposed signage will not adversely impede the visibility of other signage within the surrounding area.</p>	
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>	
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 contribute to the visual interest of the streetscape, setting or landscape?</p>	<p>The proposed signage is compatible with the scale of the proposed streetscape and setting. The proposed signage will incorporate quality materials and finishes and provide a coherent and integrated colour scheme based on the branding, logo and colours of NEXTDC. Pylon signage will be proportionate to the scale of the new buildings and will be setback from street frontages and embedded within low level landscaping. The signage will</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<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>Does the Proposal require ongoing vegetation management?</p>	<p>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>	
5 Site and building	<p>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?</p> <p>Does the Proposal respect important features of the site or building, or both?</p> <p>Does the Proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>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 NEXTDC.</p>	
6 Associated devices and logos with advertisements and advertising structures	<p>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?</p>	<p>The signage is to be internally illuminated. The signage will display the NEXTDC name and logo. Illumination devices are integrated into the design of the signage.</p>	
7 Illumination	<p>Would illumination result in an unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p>	<p>The illuminated signage is not anticipated to have any negative impacts in terms of glare. The signage is not expected to impact on the safety of pedestrians, vehicles</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>Is the illumination subject to a curfew?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p>	<p>or aircraft is to result from the intended lighting. The intensity of illumination can be adjusted if required.</p>	
8 Safety	<p>Would the Proposal reduce the safety for any public road?</p> <p>Would the Proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the Proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>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.</p>	

Table 2 WSEA Fairfield DCP Compliance Table

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
Western Sydney Employment Area – Fairfield Development Control Plan 2016 (WSEA Fairfield DCP)			
3.0 Environment Management			
3.1 Ecologically Sustainable Development	<p>The Proposal must meet the relevant objectives, inclusive of the following:</p> <ul style="list-style-type: none"> ▪ Include ESD measures that improve energy efficiency through the design and siting of buildings. ▪ Ensure the Proposal is environmentally sustainable in terms of energy and 	<p>Yes.</p> <p>The Proposal has been carefully designed with regards to the principles of ESD to reduce energy, waste and water consumption. An ESD Report has been prepared which outlines the sustainability initiatives to be implemented into the Project. This will include installing water efficient fixtures and fittings throughout the development, providing LED type luminaire fittings to lighting, and using high efficiency chillers to supply the mechanical system.</p>	<p>Section 2 and Section 6</p> <p>Appendix N</p>

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
	<p>water use, and management of waste and discharge.</p> <ul style="list-style-type: none"> ▪ Ensure the Proposal encourages the utilisation of materials and construction techniques with low energy inputs in their production for construction energy systems. 		
<p>3.2 Flooding and Water Cycle Management</p>	<p>The Proposal must be prepared in accordance with Chapter 11 – Flood Risk Management of the Fairfield City Wide DCP 2013. The Proposal must also demonstrate the works will achieve the relevant objectives, including:</p> <ul style="list-style-type: none"> ▪ manage the flow of stormwater from urban parts of the site to replicate, as closely as possible, predevelopment flows. ▪ minimise the potential of flooding impacts on development. ▪ link water infrastructure effectively to minimise the impacts of development upon runoff. ▪ protect downstream receiving waters (e.g. Riparian Corridors) from increased flow rates and water quality degradation. 	<p>Yes.</p> <p>The stormwater infrastructure has been designed in accordance with Council requirements as outlined in the Civil Engineering Report and Civil Plans and is unlikely to result in significant environmental impacts.</p> <p>Yes.</p> <p>Site stormwater will be conveyed by gravity and discharge via Council’s drainage system. Five on-site detention tanks will reduce discharge to below the permissible site discharge as per the WSEA Fairfield DCP. On site stormwater quality treatment will avoid impacts on downstream water quality. An Erosion and Sediment Control Plan is to be implemented to prevent sediment laden stormwater from flowing into adjoining properties</p>	<p>Sections 6.2</p> <p>Appendix S</p>

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
	<ul style="list-style-type: none"> ▪ protect assets and the subdivision from flooding. ▪ minimise soil erosion and sedimentation resulting from site disturbing. 		
3.3 Cut and Fill	<p>Proposed cut and fill must be in accordance with the relevant Council guidelines to:</p> <ul style="list-style-type: none"> ▪ Protect and enhance the aesthetic quality of the area by controlling the form, bulk and scale of land forming opera provide a landform that is capable of supporting a range of industrial uses. ▪ Minimise the impact of earthworks on the stormwater regime, salinity and groundwater. ▪ Ensure that the extent of cut and fill required for large scale development does not detract from the appearance and design. ▪ Ensure that development is capable of visual integration with the surrounding built and natural environment. ▪ Ensure that any imported fill material to a site is clean and complied with the contamination and salinity provisions of this section. 	<p>Yes.</p> <p>Bulk earthworks will be required as part of the development to accommodate the building footprints. A cut and fill plan has been provided within the Civil Plans. Construction works will be appropriately managed by way of a Construction Environmental Management Plan (CEMP) to minimise adverse impacts to neighbouring properties and uses.</p>	<p>Section 3</p> <p>Appendix S</p>

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
	<ul style="list-style-type: none"> ▪ Ensure land is appropriately stabilised and retained. 		
3.4 Soil Management	<p>All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development.</p> <p>A Soil and Water Management Plan, prepared in accordance with Managing Urban Stormwater - Soils and Construction (Landcom 3rd Edition March 2004 ('The Blue Book')) is to be submitted with the SSDA</p>	<p>Yes.</p> <p>An Erosion and Sediment Control Plan is to be implemented to prevent sediment laden stormwater from flowing into adjoining properties.</p>	<p>Section 6.2</p> <p>Appendix R</p> <p>Appendix S</p>
3.5 Site Contamination	<p>All development applications must be accompanied by a Stage 1 Preliminary Site Investigation.</p>	<p>Yes.</p> <p>A Contamination and Remediation Status Letter has been prepared by JK Environments which confirms that the site has been satisfactorily remediated and is suitable for the proposed data centre.</p>	<p>Section 6.2</p> <p>Appendix T</p>
3.6 Environmental Corridor	<p>Native trees and other vegetation must be retained by careful planning to incorporate trees into private or communal open space. The Proposal is required to consider the retention of trees along the northern and eastern boundaries of the site, as well as the relevant consent conditions imposed by the approved subdivision.</p> <p>The C2 zoned land is to retain and manage existing native vegetation. Development on adjoining land is to avoid significant</p>	<p>Yes.</p> <p>The site is zoned IN1 and does not affect C2 zoned land. The site has previously been cleared of trees. The Proposal will significantly enhance tree canopy coverage and landscaping with new trees along all boundaries.</p>	<p>Section 6.2</p> <p>Appendix K</p> <p>Appendix L</p>

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
	detrimental impacts to the native vegetation and ecological values.		
3.7 Bushfire Management	<p>The Proposal must comply with Planning for Bushfire Protection 2006 to:</p> <ul style="list-style-type: none"> – Prevent loss of life and property due to bushfires. – Ensure land will not allow bush fires to approach buildings. – Encourage sound management of bushfire prone areas. 	<p>Yes.</p> <p>A small portion of the site along the southern-eastern boundary is identified as bushfire prone land as shown in the Bushfire Prone Land Map, including Category 1 and Vegetation Buffer. The Proposal is supported by a Bushfire Protection 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></p>	<p>Section 6.2</p> <p>Appendix AA</p>
3.8 European and Indigenous Heritage	The Proposal is required to identify any areas of Aboriginal or European heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).	<p>Yes.</p> <p>The site is not identified as a heritage item, nor is it located within a heritage conservation zone. There are no heritage items within the vicinity. The ACHA concludes there were no items of Aboriginal cultural significance on the site given it has wholly been disturbed. The likelihood of the site containing items of Aboriginal heritage is low. An unexpected finds protocol has been provided and outlined within the EIS.</p>	<p>Sections 6.2</p> <p>Appendix U</p> <p>Appendix V</p>
3.9 Air Quality	The Proposal is required to be accompanied by an Air Quality Impact Assessment which identifies necessary mitigation measures to minimise the potential environmental impacts from air pollutants generated by the proposed development.	<p>Yes.</p> <p>An Air Quality Impact Assessment accompanies the EIS. The construction and operational air quality associated with the development is generally below the relevant criteria subject to implementation of recommended mitigation measures.</p>	<p>Section 6.1</p> <p>Appendix O</p>
3.10 Noise	The Proposal is required to be designed to:	Yes.	Section 6.1

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
	<ul style="list-style-type: none"> ▪ Ensure noise from the development does not cause adverse environmental impacts on surrounding uses. ▪ Protect occupants from noise from the proposed development and surrounding uses. 	<p>A Noise and Vibration Impact Assessment (NVIA) accompanies the EIS which considers and assesses the potential noise and vibration impacts resulting from the construction and operation of the Proposal. The construction and operational noise impacts are generally below the relevant noise criteria. Any exceedances will be temporary during construction and appropriate mitigation measures have been recommended to manage construction noise.</p>	<p>Appendix P</p>
<p>3.12 Waste Management</p>	<p>The Proposal is required to be supported by a Construction and Operational Waste Management Plan which details waste management and mitigation practices in accordance with the DCP.</p>	<p>Yes.</p> <p>A Waste Management Plan has been prepared for the Proposal. It demonstrates that the Proposal will implement appropriate waste management controls that comply with the WSEA Fairfield DCP.</p>	<p>Section 6.2</p> <p>Appendix Z</p>
<p>4.2 Landscape Design</p>			
<p>4.2.2 Allotment Landscape</p> <p>4.2.3 Landscaping and Car Parking Areas</p>	<p>A Landscape Plan must be prepared by a qualified landscape architect for all new industrial buildings, including landscaped areas between buildings and integrated with site planning and building design.</p> <p>The proposed landscape design is to:</p> <ul style="list-style-type: none"> ▪ Ensure a balance between built form and landscaped elements. ▪ Encourage landscaping as a means of providing a visual amenity buffer of industrial development by use of planting, bunds or other suitable means. 	<p>Yes.</p> <p>The Proposal is accompanied by Landscape Plans and a Landscape Design Report. Landscaping will comprise a mix of native and endemic plant species, shrubs, trees and grasses to provide on-site amenity and an attractive streetscape. A total of 9,900m² of deep soil areas will be provided across the site. The landscaping strategy will focus on amenity areas, development frontages and boundary plantings, providing a functional and inviting streetscape and softening the built form through increased planting within the setbacks. Increased tree canopy and density of vegetation along the eastern boundary of the site and Burley Road frontage will provide a visual buffer.</p>	<p>Section 6.1</p> <p>Appendix J</p> <p>Appendix K</p>

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
	<ul style="list-style-type: none"> - Enable landscaping to contribute to energy efficiency water management and amenity for employees. - Encourage landscape design that enhances the streetscape and amenity of the zone. 		
4.3 Built Form and Streetscape			
4.3.1 Setbacks 4.3.2 Building Design and Siting 4.3.4 Entrance Treatment 4.3.3 External Building Materials and Colours	<p>The Proposal must:</p> <ul style="list-style-type: none"> ▪ 20m from the front property boundary of sub- arterial roads, 10 metres to local roads and 5 metres to secondary frontage (fully landscaped). ▪ 3m side and rear setbacks to the building and 2m to hardstand areas. ▪ 10m setback to the C2 zoned land (subject to compliance with the APZ). 	<p>Yes.</p> <p>The Proposal complies with the relevant setback requirements as follows:</p> <ul style="list-style-type: none"> ▪ A setback of between 19.76 metres to 20.16 metres is provided to Burley Road. ▪ A setback of 25.49 metres is provided to Johnston Crescent. ▪ A setback of 18.1 metres is provided to the eastern boundary interface with the RU4 zoned land. ▪ A setback of 18.95 metres is provided from Building E to the southern boundary of the site. ▪ A setback of 37.93 metres is provided from Building A to the southern boundary of the site. ▪ A 25-metre asset protection zone is provided from the substation to the south-eastern boundary of the site which abuts the C2 zoned land. 	Section 6.1 Appendix E Appendix F
4.4 Fencing and Signage			

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
<p>4.41 Fencing</p> <p>4.42 Signage</p>	<p>The Proposal must be designed to:</p> <ul style="list-style-type: none"> ▪ Use fencing to define boundaries and provide security, as well as contribute to streetscape and amenity. ▪ Enhance pedestrian safety, security and amenity. ▪ Ensure that signage and lighting supports the visual appearance of the building and visual appeal. ▪ Signage is to be designed in accordance with Chapter 9 of the Fairfield City Wide DCP. 	<p>Yes.</p> <p>A 2.4-metre-high palisade fence is proposed around the perimeter of the site to define the boundary and provide security. The proposed business identification signage meets the objectives of Chapter 9 of the Fairfield City Wide DCP and the relevant provisions of Chapter 3 of the Industry and Employment SEPP.</p>	<p>Section 3</p> <p>Appendix F</p>
4.5 Roads, Access and Parking			
<p>4.5.2 Vehicular Access</p>	<p>The Proposal must be designed to:</p> <ul style="list-style-type: none"> ▪ Ensure that vehicles can enter and exit premises in a safe and efficient manner in a forward direction. ▪ Minimise the impact of vehicle access points on the quality of the public domain and pedestrian safety. ▪ Provide off-street manoeuvring, loading and docking facilities that are adequate for the operational needs of the activity and use. 	<p>Yes.</p> <p>Vehicle access for light vehicles will be via a single entry/exit driveway from Johnston Crescent with a separate entry/exit driveway provided for heavy vehicles. All vehicles will be able to enter and exit in a forward direction as demonstrated in the Traffic Impact Assessment. The Proposal incorporates on-site loading docks.</p>	<p>Section 3</p> <p>Section 6</p> <p>Appendix M</p>

Reference	Relevant Considerations	Complies (Yes / No)	Section in EIS
<p>4.5.4 Car Parking</p>	<p>Industrial development is to be provided with car parking at a rate of 1 space per 70sqm of GLA. The car parking area should be located behind the minimum setback and in front of any activity on the site. Bicycle parking/storage facilities should be provided in accordance with the provisions of Australian Standard 2890:3:1993 – Parking facilities - Bicycle parking facilities</p>	<p>No, but justified.</p> <p>The provision of 200 spaces (including six accessible spaces and 10 EV spaces) is considered appropriate and satisfactory based on the forecast demand from the ancillary office floorspace and the workers within the data hall component.</p> <p>Application of the DCP rates would require 829 parking spaces. This represents a significant oversupply based on the forecast demand from workers and visitors associated with the data centre use. Strict application of the DCP would result in significant areas of unused hardstand parking areas and unnecessary associated environmental impacts.</p> <p>It is appropriate to apply the commercial space parking rate to the ancillary office component, which would result in a need for 127 on-site spaces. The technical space of the data hall does not generate significant activity or workers and accordingly, is more appropriately assessed based upon a first-principles approach. Based on the 73 workers and one parking space per technical staff, the parking requirement for the technical data hall space would be 73 spaces.</p> <p>24 bicycle parking spaces are provided to comply with the NSW Guidelines for Walking and Cycling Guidelines. No motorcycle parking rates are currently provided within the DCP; however, five spaces will be provided which is considered appropriate.</p>	<p>Section 3</p> <p>Section 6</p> <p>Appendix M</p>