

7 July 2026

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Principal Planning Officer
Industry Assessments
Department of Planning, Housing and Infrastructure

Dear Shaun,

Response to Additional Submissions | STACK SYD01 Data Centre, Erskine Park (SSD-82211208)

This letter has been prepared by Urbis Ltd on behalf of STACK Infrastructure in response to additional comments received in relation to the proposed STACK SYD01 Data Centre at 78 Lockwood Road, Erskine Park (SSD-82211208) and the associated Amendment package.

In response to the additional submissions, further information has been prepared, and several supporting technical reports have been updated. These updates have been prepared to clarify and supplement the assessment material previously submitted. There have been no design changes to the proposed development as part of this response.

This letter provides a formal response to comments received from the following agencies and stakeholders.

- Department of Planning, Housing and Infrastructure
- Penrith City Council
- NSW Environmental Protection Authority
- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water
 - Conservation Programs, Heritage and Regulation Group
 - Heritage NSW
- Fire + Rescue NSW
- Sydney Water

Agency comments focused primarily on generator operations and emissions, operational noise, air quality, flood behaviour, utility servicing, traffic and construction management, urban heat, visual and built form impacts, and site safety and hazard management.

In addition to agency comments, 6 public submissions were received, all of which objected to the proposal. The matters raised in the public submissions relate primarily to energy demand, greenhouse gas emissions and climate change, water consumption and sustainability, operational noise and air quality, ecology and site suitability, and residential amenity.

The proponent has undertaken a comprehensive review of the comments and updated technical assessments and supporting documentation to address all technical queries, provide supporting evidence, and demonstrate compliance with applicable requirements in support of the proposal. Key updates include:

- Updated the Air Quality Impact Assessment, reducing the assessed annual generator operating hours to 136 hours, consistent with NSW EPA advice.
- Completed a new Redundancy Capability Assessment demonstrating the electrical redundancy model and confirming that standby generators will operate only during routine testing and in the rare event of a loss of external power.
- Adopted a representative US EPA Tier 2-compliant generator and incorporated the revised emissions characteristics into the Air Quality Impact Assessment.
- Updated the Noise and Vibration Impact Assessment to include the requested operating scenarios, adopt the more conservative suburban noise catchment classification, and demonstrate compliance with the applicable noise criteria.
- Updated the Flood Impact and Risk Assessment in consultation with DCCEW/MCEF.
- Updated the Greenhouse Gas Assessment to provide additional clarity regarding renewable electricity commitments and reporting.
- Prepared a dedicated Urban Heat Island Mitigation Plan.
- Prepared a Refuelling Vehicle Access Plan demonstrating safe access for fuel delivery vehicles.

This letter is accompanied by the following additional documentation:

- Updated Mitigation Measures (**Appendix C**)
- Updated Air Quality Impact Assessment (**Appendix L**)
- Updated Noise and Vibration Impact Assessment (**Appendix M**)
- Updated Flood Impact and Risk Assessment (**Appendix ZD**)
- Updated Greenhouse Gas Assessment (inclusive of updated Independent Expert Review) (**Appendix ZI**)
- Redundancy Capability Assessment
- Urban Heat Island Mitigation Plan
- Refuelling Vehicle Access Plan

A detailed response to the matters raised in the agency and public submissions is provided below.

Comment	Response
Department of Planning, Housing and Infrastructure	
Generator Operations	
1. The Department requests additional information on how electricity supply and load would be managed during maintenance (planned and unplanned) or repair of: - transmission provider (i.e. TransGrid) assets, - the on-site electrical infrastructure, including substation/s, and - off-site electrical infrastructure. Justification for the use of diesel generators (including details on total number of generators and hours operated) in these circumstances must be provided.	A Redundancy Capability Assessment Memorandum has been prepared to provide additional information regarding how electricity supply and load would be managed during planned and unplanned maintenance, repair and outage events affecting: - TransGrid transmission infrastructure; - On-site electrical infrastructure, including substations, transformers and switchboards; and - Off-site electrical infrastructure. The assessment confirms that the electrical network proposed to support the data centre has been designed with multiple layers of redundancy, including dual independent 330 kV utility feeders, N+1 transformer redundancy and an open-ring medium voltage distribution network. As a result, planned maintenance activities and single contingency failures can generally be accommodated without interruption to critical loads and without the need to operate the standby diesel generators. The memorandum further confirms that the standby generation system comprises 188 diesel generators (approximately 3.1–3.16 MW each) and is intended as a tertiary resilience measure to support the facility only during rare unplanned outage scenarios, such as the simultaneous loss of both incoming 330 kV utility feeders, major utility substation failures, extended transmission network outages, or other events that exceed the designed redundancy of the electrical network. In addition, no grid firming arrangements are proposed with the electricity supply authority. Generator operation is therefore generally limited to routine testing and maintenance activities, and infrequent unplanned utility outage events. Refer to the Redundancy Capability Assessment Memorandum for further details.
2. The Department notes that the EIS and supporting technical assessments only consider the scheduled generator maintenance testing under	The Air Quality Impact Assessment (AQIA) assesses the standby generator operating scenarios identified for the project, which includes

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standard operating scenarios in which the back-up diesel generators would be operated. The Department understands there may be additional scenarios in which the generators would be operational including, but not limited to planned and unplanned maintenance, and system level testing. The operation of the back-up power system has implications for the modelling of supporting technical assessments including air quality, operational noise and direct greenhouse gas emissions. Therefore, the Department requests that all relevant technical assessments be updated to consider all operational scenarios of the back-up power system, to ensure likely impacts are accurately characterised and appropriately mitigated. This should include, but not be limited to: ▪ planned and unplanned maintenance events / repair events described at 11. above, and ▪ system level testing.	routine generator testing and emergency operation during loss of external power supply events. The facility is designed for concurrent maintainability without reliance on standby generators under normal operating conditions. The electrical system incorporates multiple layers of redundancy, including dual independent 330 kV utility feeders, N+1 transformer redundancy and an open-ring medium voltage distribution network. As outlined in the Redundancy Capability Assessment Memorandum, this redundancy allows planned maintenance activities and single contingency failures to be managed without interruption to critical loads and without operation of the standby diesel generators. For clarity, the standby generators are only proposed to operate in two circumstances: routine generator testing and emergency operation where there is a loss of external power supply. Maintenance or repair activities affecting TransGrid assets, the on-site substation, transformers, switchboards, medium-voltage distribution infrastructure or other off-site electrical infrastructure would not, by themselves, trigger operation of the standby generators due to the multiple layers of redundancy provided. The generators would only operate during such events if the works resulted in a loss of external power supply to the data centre. The generators are also not proposed to operate for IT maintenance, substation maintenance, voltage support, load shedding, grid firming or other network support functions. These activities are therefore not assessed as generator operating scenarios in the AQIA. The revised AQIA adopts 136 operating hours per annum, including routine testing and a contingency allowance for non-routine generator operation during power outage events, consistent with NSW EPA advice. This allowance captures the credible circumstances in which standby generator operation may occur, including routine testing, emergency operation during blackout events, simultaneous loss of both incoming 330 kV utility feeders, major utility substation failures, extended transmission network outages, and other rare events that exceed the designed redundancy of the electrical network.

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	The standby generators are not proposed to operate for grid support or other network services. Discussions with TransGrid have focused on facility ride-through capability rather than reliance on standby generation in response to grid instability. Accordingly, the AQIA assesses the identified standby generator operating scenarios relevant to the project. No additional standby generator operating modes have been identified that would require further revision of the AQIA or alter the air quality, operational noise or greenhouse gas emissions assessments.
Noise Impacts	
3. Further to the issues previously identified in the Request for Additional Information letter issued by the Department, dated 24 December 2025, the Department has identified additional issues in the Noise and Vibration Impact Assessment (NVIA) in Appendix M required to be addressed in an updated NVIA as follows: ▪ The Department understands that one (1) load bank will be operational during generator testing scenarios but has not been identified as a noise source included in the acoustic modelling. The NVIA should be updated to identify all operational noise sources and included in the acoustic modelling accordingly. ▪ The Department notes that a number of exceedances are identified during Stage 1 operational scenarios of the night-time period (scenarios 3 & 6) however only one (1) exceedance is identified during Stage 2 (scenario 15) operational scenarios of the night-time period, which is understood to be a more intensive operational scenario of the whole development. The Department requests the NVIA be updated to provide further discussion and analysis of the results considering the difference in operational scenarios and operational noise sources modelled.	Load banks are addressed in Section 4.1.1 of the NVIA. In response to the DPHI's comment, the NVIA has been updated to explicitly include the operation of four load banks during generator testing scenarios within the acoustic model. The revised assessment confirms that the contribution from the load banks is minor relative to other operational noise sources and does not alter the overall assessment findings. Compliance with the applicable operational noise criteria is maintained at all assessed receivers. Refer to Sections 4.1.1 and 11.3.2 of the NVIA. With respect to the differences between Stage 1 and Stage 2 night-time operational scenarios, further discussion has been provided in Sections 4.1.2 and 11.2.4 of the NVIA. While Stage 2 represents a larger development footprint with additional operational plant, the assessment demonstrates compliance with the applicable operational noise criteria at all receiver locations under all operational scenarios, including full load operation. This outcome is primarily attributable to the implementation of additional chiller discharge noise treatment incorporated into the Stage 2 design. In addition, the Stage 2 buildings provide increased physical screening between operational plant and a number of surrounding receivers. As discussed in Section 4.1.2 of the NVIA, the Stage 2 built form acts as a substantial acoustic barrier which offsets noise contributions from additional plant and equipment. Accordingly, the reduced number of exceedances predicted under Stage 2 scenarios reflects both the enhanced noise mitigation measures and the beneficial screening effect

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	of the completed development rather than any inconsistency in the assessment methodology or operational assumptions.
4. The Department requests further details on the modelled 'full load' scenarios to demonstrate the modelled scenarios are representative of realistic operating scenarios. Details should include, but not limited to, the likelihood and duration of full load operations.	The NVIA assesses both expected maximum load conditions and full load operating scenarios. The expected maximum load conditions are intended to represent the anticipated upper range of normal day-to-day operation, noting that actual load may vary depending on factors such as day/night demand, seasonal weather conditions and cooling requirements. This does not mean the facility is expected to operate at this load at all times. The full load scenarios have been modelled as a conservative worst-case assessment to demonstrate compliance with the applicable operational noise criteria under the maximum possible noise-generating condition of the development. These scenarios are unlikely to occur frequently, if at all, and do not represent a separate operational mode or a prediction of the frequency or duration of operation at maximum capacity. The inclusion of both expected maximum load and full load scenarios ensures that operational noise impacts have been assessed against both representative operating conditions and a conservative upper-bound scenario.
5. The Department notes the NVIA maintains adopting a separate sensitive receiver grouping (NCA1) and 'Urban' amenity criteria. The Department considers that unattended monitoring locations NL1 and NL2 both have daytime rating background levels less than 45 dB(A), which is commensurate with typical background levels categorised for the 'Suburban' amenity category. Further to the above, the Noise Policy for Industry (NPfI) notes that the presence of characteristics which vary from the typical existing background noise levels and description (Table 2.3, Columns 3 and 4 of the NPfI) in one day, evening or nighttime period does not necessarily outweigh the characteristics of the other relevant periods. Therefore, the NVIA should be updated to consolidate NCA1 and NCA2 with the adoption of the 'Suburban' amenity category or provide strong justification for the use of the Urban amenity category, addressing	The NVIA has been updated to adopt the Suburban residential receiver category for Noise Catchment Area 1, rather than the Urban amenity category previously adopted. The revised assessment therefore applies the more conservative amenity classification requested by DPHI and aligns the assessment approach for NCA1 with the relevant monitored background noise levels and NPfI considerations. The updated NVIA confirms the proposal complies with the suburban noise criteria. Refer to the updated NVIA.

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requirements identified in EPA's implementation note on Determining the Noise Policy for Industry Noise Amenity Category for Residential Receivers.	
6. The NVIA should be updated to provide one-third octave band noise levels at receiver locations to confirm the applicability of tonality and low-frequency noise adjustments in accordance with Fact Sheet C of the NPfl.	Sections 3.3 and 3.4 of the NVIA have been updated to discuss the application of tonality and low-frequency noise penalties in accordance with the NPfl. Section 11.4.4 provides the predicted one-third octave band noise levels at the most affected receiver and assesses the applicability of tonality and low-frequency correction factors. The assessment concludes that transformer noise is the only source for which tonality or low-frequency corrections may be relevant. These corrections have been included in the NVIA where applicable.
7. As per Item 2 above, the NVIA should be updated to consider all operational scenarios of the back-up diesel generator power system.	The NVIA has been updated to consider all identified operational scenarios associated with the standby diesel generator system. As outlined in the updated NVIA and the Redundancy Capability Assessment Memorandum, the facility has been designed with multiple layers of electrical redundancy such that standby generators are not required during planned maintenance activities or single contingency failures. Accordingly, standby generator operation is limited to routine daytime testing and emergency operation during rare utility outage events that exceed the designed redundancy of the electrical network. The operational scenarios assessed in the NVIA therefore represent the identified circumstances in which standby generator operation may occur.
Air Quality	
8. The Department notes the proposed generator emissions performance is identified as being below Tier 1 performance standards. The Department agrees with the recommendations of the NSW Environment Protection Authority (EPA) dated 8 May 2026 and considers that all practical measures to reduce potential pollution emissions should be undertaken including, but not limited to, the installation of Tier 2 emissions performance generators or better. In particular, the Department notes that significant exceedances of the NO ₂ criteria are predicted at sensitive receiver locations during an emergency scenario event and all feasible and reasonable measures to	The AQIA has been updated to reflect the selection of the Baudouin 16M55G6D2/5 generator as a nominated representative unit. This generator is compliant with US EPA Tier 2 emissions standards, as documented in Appendix E of the updated AQIA. The nominated generator achieves a NO_x emission rate of 5.34 g/kWh, which is below the applicable US EPA Tier 2 limit of 6.4 g/kWh. The updated generator specification demonstrates that an emissions-

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reduce and mitigate potential impacts should be thoroughly investigated and implemented accordingly.	certified generator with improved emissions performance has been adopted for the development. Additional information regarding generator emissions standards, alternative technologies and comparative performance assessments is provided in Appendix G of the updated AQIA. The AQIA has been revised on the basis of a Tier 2 compliant generator and incorporates the associated emissions characteristics within the assessment of potential air quality impacts.
9. As per Item 2 above, the Air Quality Impact Assessment (AQIA) in Appendix L should be updated to consider all operational scenarios of the back-up diesel generator power system.	The AQIA has been prepared on the basis of the identified standby diesel generator operating scenarios, namely routine generator testing and emergency operation during loss of external power supply events. As outlined in the Redundancy Capability Assessment Memorandum, the facility has been designed with multiple layers of electrical redundancy such that standby generators are not required during planned maintenance activities or single contingency failures. Accordingly, activities such as planned and unplanned maintenance of electrical infrastructure, repair activities and system-level testing do not constitute separate standby generator operating scenarios requiring assessment within the AQIA. The AQIA also assumes 136 hours of annual generator operation, comprising routine testing and a contingency allowance for non-routine operation during power outage events. The 136 hours is inclusive of warm-up and shut-down periods. This approach captures the identified circumstances under which standby generator operation may occur. Accordingly, the AQIA assesses the operational scenarios relevant to the standby diesel generator system and no additional generator operating scenarios have been identified that would warrant revision of the assessment.
Management and Mitigation Measures	
10. In light of the matters raised above, the Department requests that the list of management and mitigation measures provided in Appendix C of the EIS be updated to reflect any corresponding amendments to the technical reports, including any revised operational mitigation measures for noise	Appendix C of the EIS has been updated to reflect the relevant amendments made to the supporting technical assessments.

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emissions. The updated list of mitigation measures should be submitted in both Microsoft Word and PDF formats.	For operational noise, the updated NVIA recommends proprietary acoustic attenuators for chiller discharges, replacing the lined discharge treatment previously identified in the previous NVIA. For air quality, the AQIA has been updated to reflect the selection of the Baudouin 16M55G6D2/5 generator as a nominated representative unit. This generator is compliant with US EPA Tier 2 emissions standards and provides improved emissions performance compared to lower specification generator alternatives. Relevant specifications and supporting information are provided in Appendices E and G of the revised AQIA. The revised AQIA does not identify any additional air quality mitigation measures beyond those already included in the Mitigation Measures Appendix. As such, no further changes to the air quality mitigation measures in Appendix C are required. The updated Appendix C has been provided in both Microsoft Word and PDF formats.

Penrith City Council

1. Planning Considerations

a) Since the previous correspondence, Penrith City Council endorsed a submission to the NSW Parliamentary Inquiry on Data Centres, dated 25 March 2026 (link below). The first hearing of the inquiry occurred on 01 May 2026.	Council's submission raises broader policy issues regarding the role, utility demand and long-term servicing implications of data centres across NSW. These matters are not specific to the proposed development and extend beyond the scope of the SSDA.
b) Council's submission to the Inquiry acknowledges the critical need for strategic planning and policy development to manage the rapid growth of data centres, particularly in Western Sydney. The submission emphasises that data centres are essential for digital infrastructure, supporting cloud services, government operations and artificial intelligence.	The proposed development is permissible with consent within the IN1 General Industrial zone and has been assessed through a comprehensive EIS, including consideration of utility servicing, energy use and environmental impacts. The EIS demonstrates that the project can be appropriately serviced and operated without resulting in unacceptable impacts on surrounding communities or planned growth.
c) However, their resource-intensive nature poses significant challenges, including increased energy and water consumption, strain on local utilities, and environmental impacts. The submission notes that Sydney's data centres currently consume 3.9 TWh of electricity annually, projected to rise to 34.5 TWh by 2050, and use 3.5 billion litres of drinking water annually,	Notwithstanding, the proposed development has incorporated measures to minimise demand on constrained resources. In particular, the facility will utilise air-cooled chiller technology, eliminating the need for industrial or recycled water during operation. The project also targets an

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which could increase to 25% of Sydney's total water demand by 2035 under high-growth scenarios. Additionally, it raises concerns about the impact of data centres on local land use, housing, job creation, and health, particularly in Western Sydney, which faces extreme heat and growing population demands and is increasingly attractive as a precinct to data centre developers. d) Key recommendations of Council's submission include assessing the suitability of locations for data centres, considering local impacts such as strain on utilities, noise, air pollution, and land use trade-offs, and ensuring meaningful community engagement. Council also calls for robust public reporting to monitor environmental and social impacts and advocates for a central role for local councils in decision-making processes. e) Of relevance, Recommendation 5 of Council's submission states: <i>Further, given the serious potential impacts related to utility servicing (water and power) of data centres to the local environment, economy, and land use trade-offs that can be compromised including not being able to progress local housing and jobs growth, Council calls on the NSW Government to:</i> <i>Not consider any further data centre applications until utility servicing (water and power) impacts for NSW in both the short and long term are fully understood, and there is a high level of confidence that utility servicing and growth plans for local communities will not be compromised as a result. The Government should also seek, as far as possible, to require that data centres are self-sufficient with regard to power and water needs.</i>	annual Power Usage Effectiveness (PUE) of 1.3, which is consistent with industry benchmarks for air-cooled hyperscale data centres and supports the achievement of a 5 Star NABERS Energy rating. These measures reflect a commitment to efficient resource use and sustainable operational performance.
f) Further, the following comments are made in relation to the proposed amendments.	
g) Landowners consent for the application is required from Council for proposed works located on, above, or under public land owned / managed by Penrith City Council, including road reserves for which Council is the roads authority. The Submission Report states that the Proponent has requested landowners' consent from Penrith City Council (on 25 March 2026) and is awaiting a response. The Proponent should contact Council's Property Team or Asset Management Team in relation to this.	Noted. The Applicant acknowledges Council's comments regarding landowner's consent requirements for works located within land owned or managed by public authorities. Requests for landowner's consent have been submitted to the relevant authorities and discussions are ongoing. The Applicant will continue to work with the relevant authorities to secure the necessary approvals and consents prior to the commencement of any works requiring landowner's consent.

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h) Any works within the road reserve should not result in the removal of, or damage to street trees or vegetation with the land zoned E2 (formerly C2) Environmental Conservation that forms part of the Biodiversity Conservation Area, or within any footpath verges.	As detailed in the Amendment Report, the HV route will be constructed using a boring methodology. This construction approach has been specifically adopted to avoid impacts to street trees and existing vegetation, including vegetation within land zoned E2 Environmental Conservation and within footpath verges. Accordingly, the proposed works within the road reserve will not require the removal of street trees or vegetation within these areas. Appropriate construction controls will also be implemented to avoid damage to retained vegetation during the works.
i) Considering the 'Permitted with consent' land use table in the I&E SEPP for the E2 Environmental Conservation land, any proposed HV works, where the zoning is E2, would need to be contained within the road reserve. If not, it is questionable whether the HV works would be permitted in that zone. In exercising DPHI's ability under section 4.38(3) of the EP&A Act, the consent authority should consider; the broader public interest; the disruption to vehicle traffic flows during construction works; and matters related to data centres in NSW, which are the subject of the current Parliamentary Inquiry.	As outlined in the Statutory Compliance Table submitted with the Amendment Report, part of the HV cabling route traverses land zoned E2 Environmental Conservation under the Industry and Employment SEPP. The HV works are ancillary to the proposed data centre and are required to provide the electricity supply connection for the project. While a data centre is prohibited in the E2 zone, Section 4.38(3) of the EP&A Act allows development consent to be granted for State significant development despite the development being partly prohibited by an environmental planning instrument. The consent authority may therefore consider the HV works as part of the SSD application, having regard to their ancillary nature, the broader public interest and the supporting technical assessments. These assessments confirm that construction and operational impacts can be appropriately managed, including through the proposed boring methodology, which will minimise surface disturbance and avoid vegetation removal.
j) The Submission Report states that the proposed HV cabling works are expected to be completed by October 2027. DPHI and the relevant Roads Authority (TfNSW / Council's) should consider the potential disruption to traffic during the construction works. Lenore Drive is a major transport route in the Erskine Business Park. It is predominantly used by heavy vehicles to access industrial, and employment uses in the area as well as other industrial areas such as the Mamre Road Precinct. The potential disruption to employment generating, industrial uses may not be in the public interest.	Traffic and access impacts associated with both the data centre development and the HV cabling works have been assessed as part of the application. Prior to the commencement of works, a detailed Construction Traffic Management Plan (CTMP) will be prepared and submitted for approval by the relevant road authorities, including TfNSW where required. This plan will be prepared once construction contractors have been appointed and will include detailed traffic management measures, construction staging and access arrangements to minimise disruption to

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	the operation of Lenore Drive and the surrounding industrial road network.
k) Proposed works within the Ropes Creek riparian corridor may require approval from DCCEEW. DPHI should consider whether the proposed works are consistent with the State Planning Agreement that relates to the Erskine Park Biodiversity Corridor.	The site forms part of the former Fitzpatrick Industrial Estate, which is subject to a Voluntary Planning Agreement (SVPA-2017-8407, dated 30 August 2019) with the former Department of Planning and Environment for the provision of State infrastructure. The developer's obligations under the VPA have been satisfied. The Estate is also subject to a Biodiversity Management Plan, which established the Erskine Park Biodiversity Corridor as part of the broader Ropes Creek biodiversity corridor. Importantly, the proposed HV cabling route will not impact the Ropes Creek riparian corridor or the associated Erskine Park Biodiversity Corridor. These areas will be avoided through the adoption of trenchless construction techniques, including underboring beneath Ropes Creek at a depth of approximately 15 metres below ground level. As a result, no direct impacts to the riparian corridor, biodiversity corridor or associated conservation outcomes are anticipated.
l) The proposal continues to be non-compliant with the Height control in the Penrith DCP, at Chapter E6 clause 6.3.1, B.2), which allows 15 metres. The amended proposal will have a maximum height of 26.5 metres. A non-compliance of this scale should be considered within the existing planning framework (e.g. require a Planning Proposal) and not as an ad-hoc variation in an application for development.	Pursuant to Section 2.10 of the Planning Systems SEPP, development control plans do not apply to State Significant Development and, accordingly, the Penrith DCP 2014 is not a mandatory consideration in the assessment of this application. Notwithstanding, the proposed building height and its associated impacts have been comprehensively assessed in the EIS, Architectural Design Report and Visual Impact Assessment (VIA). These assessments conclude that the proposed height is appropriate having regard to the operational requirements of the development and the characteristics of the site and surrounding industrial context. Given the site-specific and development-specific nature of the proposed height variation, a Planning Proposal is not considered necessary. The proposed building height does not represent a strategically significant departure from the broader built form outcomes anticipated for the locality and can be appropriately assessed through the SSD process.
m) The Visual Analysis (Viewpoint 02) shows that the top of the proposed buildings (noting the height non-compliance) will remain visible and	The visual impacts of the proposal have been comprehensively assessed in the VIA. As demonstrated in Viewpoint 02, the proposed development

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perceivable from the surrounding area, including from residential areas in Erskine Park. This is a poor outcome for the residential area. The proposed data centre buildings should not form the backdrop to vistas in residential streets. In addition, the visual analysis should include a height compliant development to demonstrate the resulting difference in visual impact between a height compliant scheme and the proposed development.	forms only one component of the broader visual composition and does not constitute the entirety of the backdrop when viewed from residential areas within Erskine Park. While portions of the upper levels of the buildings will be visible, substantial elements of the existing visual composition, including vegetation, distant built form and areas of open sky, remain visible. The proposal therefore does not dominate the view or fundamentally alter its character. With respect to the suggested comparison against a height-compliant scheme, the Applicant considers that any reduction in building height would primarily result in a marginal increase in the amount of visible sky. Given the viewing distances involved and the established industrial context of the locality, such a change would not materially alter the overall visual outcome or the conclusions of the visual impact assessment. Accordingly, the VIA concludes that the proposal will result in an acceptable visual outcome and that the visibility of the upper portions of the buildings does not give rise to unacceptable visual impacts on surrounding residential areas.
n) In the same manner, Viewpoint 03 shows the existing vista looking east from the intersection of Grady Crescent and Lenore Drive. Although industrial developments exist in that section of view, the existing landscaped front setbacks are successful at screening developments. However, the photomontage of the proposed development shows little visual screening of the building which will terminate that vista. In addition, given the proposed height of the building, it is unclear if tree planting will successfully screen the main frontage of the building.	Viewpoint 03 has been prepared from the intersection of Grady Crescent and Lenore Drive and demonstrates that the proposal would be visible within the eastern vista along the road corridor. It is acknowledged that existing landscaped setbacks assist in filtering views of established industrial development in the surrounding area. The proposed landscape treatment would similarly assist in filtering views of the lower portions of the development, particularly along the site frontage and boundary. However, given the scale and height of the proposed building, it is accepted that the upper sections of the built form would remain visible above the proposed planting. This outcome is not considered unreasonable in the context of the site's industrial setting. The screening effect of landscape setbacks is more pronounced when viewed obliquely, as occurs in Viewpoint 03, where views are experienced along the road corridor rather than directly toward the building frontage.

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	On this basis, the proposed landscaping would contribute to softening and filtering views of the development, while the remaining visibility of upper building elements is considered acceptable within the established and emerging industrial context.
o) The proposal continues to be non-compliant with some of the setback controls in the Penrith DCP, at Chapter E6 table E6.2.	As outlined above, Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to State Significant Development. Notwithstanding this, the proposal has been designed having regard to the intent and objectives of the relevant setback controls. The proposed setbacks facilitate deep soil planting and landscaped buffers around the site perimeter, contributing to visual screening, urban heat reduction, and an improved interface with the surrounding industrial precinct. It is also noted that the built form setbacks were increased as part of the original Response to Submissions and Amendment Report process to further respond to stakeholder and agency feedback. While some minor variations to the DCP setback controls remain, the majority of the development achieves or exceeds the relevant setback requirements. In particular, the Lenore Drive frontage provides setbacks that, on average, significantly exceed the numerical controls contained within the DCP. Accordingly, the proposal achieves the underlying objectives of the setback controls by providing appropriate separation distances, landscaping opportunities, and a high-quality presentation to the public domain, notwithstanding any residual numerical non-compliances.
p) In addition, the 'pinch-point' at the site's north-western corner fronting Lenore Drive is not compliant with the front setback control, and the landscaped setback at this point contains a retaining wall (MW03). The civil drawings show that wall MW03 ranges in height, and at its highest point (at chainage 10.44) is 4.32 metres high in a single plane. For at least a length of 15 metres, this wall will be over 2.5 metres in height. The non-compliant front setback at this corner point, coupled with the significantly high retaining wall, the resulting adverse impact on the ability to provide landscaping, and the significant height non-compliance, is a poor streetscape outcome.	While it is acknowledged that the site geometry creates a localised pinch-point in the setback at this location, the site benefits from a landscaped berm extending along the entirety of the northern boundary. This berm effectively screens the lower portions of the development, including the MW03 retaining wall, from public vantage points along Lenore Drive. As such the proposal does not result in an adverse streetscape outcome at the north-western corner of the site. The architectural package includes artist impressions from Lenore Drive to the north-west of the site which demonstrate the anticipated streetscape outcome. These views show a well-landscaped frontage with a strong landscape presentation to the public domain, while the

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	building forms are positioned behind the landscape setting and provide an appropriate focal element within the industrial streetscape. It is also important to consider the setback performance across the frontage as a whole. Notwithstanding the irregular configuration of the northern site boundary and the localised reduction in setback at the north-western corner, the front setbacks, on average, comply with the relevant DCP setback provisions. The proposal therefore continues to provide substantial opportunities for landscaping, visual softening and streetscape enhancement along Lenore Drive. Accordingly, the combination of the landscaped berm, perimeter planting and overall setback treatment ensures that the retaining wall and lower building elements are appropriately integrated into the site design and do not result in an unacceptable visual or streetscape impact.
q) The proposal continues to be non-compliant with the Site Coverage control in the Penrith DCP, at Chapter E6 clause 6.3.2, B.1), which allows up to 50% site coverage. The amended proposal will result in 56.07% coverage.	The proposal includes a minor variation to the Penrith DCP site coverage control, with the amended scheme resulting in a site coverage of 56.07% compared to the DCP benchmark of 50%. Notwithstanding, the amended proposal results in a reduction in overall site coverage when compared to the originally exhibited scheme. The minor non-compliance arises from the operational requirements of a hyperscale data centre. Such facilities require large, contiguous building footprints to accommodate data halls, supporting mechanical plant, electrical infrastructure and associated operational areas within a secure and consolidated site arrangement. Achieving the required floor space within a reduced site coverage would necessitate either additional building height or a broader development footprint, both of which would result in less desirable environmental and urban design outcomes. Importantly, the proposal continues to provide a balanced site layout with substantial landscaping and open space areas. The amended scheme includes more than 15,800m² of deep soil planting, representing approximately 20.5% of the site area. This significantly exceeds the DCP requirements and represents an increase compared to the original proposal, facilitating the establishment of large canopy trees, meaningful landscape buffers and enhanced visual screening outcomes.

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	These landscape outcomes are further reinforced through the retention of the existing landscaped berm along Lenore Drive and generous setbacks to public frontages, which provide a strong landscaped edge to the development and effectively soften the presentation of the built form within the streetscape. The minor exceedance in site coverage does not result in any adverse amenity impacts. The built form remains consistent with the established and emerging industrial character of the precinct and does not give rise to unacceptable impacts in relation to solar access, overshadowing, privacy or visual amenity. Furthermore, the Traffic Impact Assessment confirms that the site layout continues to provide safe and efficient vehicle access, circulation and servicing arrangements notwithstanding the minor variation to the site coverage control. Accordingly, the proposal achieves the underlying objectives of the site coverage control and the variation is considered appropriate in the context of the operational requirements of the development and the substantial landscaping and deep soil planting outcomes delivered across the site.
r) The proposed reduction in tree canopy coverage is not supported and does not address the objectives and controls related to Urban Heat which are at Chapter C14 of the Penrith DCP.	The proposed landscape design has been developed to maximise tree planting opportunities across the site while balancing a range of operational, servicing and safety constraints associated with the development. The landscape strategy has been carefully designed to provide meaningful canopy planting, urban greening and urban heat mitigation outcomes. The proposed canopy tree planting has been maximised within available landscape areas having regard to a number of site-specific constraints, including: ▪ Underground infrastructure corridors including gas, water, sewer, power and optic fibre services. ▪ Existing and proposed electrical easements and associated restrictions. ▪ The operational requirements of the data centre development, including setbacks required for buildings, plant, servicing and supporting infrastructure.

Comment	Response
	▪ Bushfire protection requirements, including canopy tree spacing and vegetation management measures necessary to maintain compliance with applicable bushfire standards. Notwithstanding these constraints, the proposal incorporates extensive deep soil planting areas, perimeter landscaping and canopy tree planting throughout the site. In particular, the landscape design retains and enhances the existing landscaped berm along Lenore Drive, provides substantial planting opportunities within setbacks and incorporates more than 15,800m² of deep soil planting. These measures contribute to visual amenity, microclimate improvement, urban cooling and the reduction of heat island effects. Accordingly, the proposed landscaping represents an appropriate and balanced response to the operational, infrastructure and bushfire constraints affecting the site and achieves the underlying objectives of the urban heat and landscape provisions by delivering substantial greening outcomes across the development.
s) Council will not allow any footings for retaining walls to be positioned within/under road reserves or verges intended to be dedicated to Council as public road.	Noted. The civil design confirms that no retaining wall footings are located within public roadways or within land intended to be dedicated to Council as public road. All retaining wall footings will be contained wholly within the development site.
t) DPHI should consider how the eastern edge of the proposed development addresses the adjoining Biodiversity Conservation Area. A retaining wall has been introduced into the eastern interface, although it is acknowledged that this wall does not appear to be too high.	Noted.
u) The proposed at-grade, under-croft parking area for 34 spaces will not allow trees to be planted at parking space intervals, which is a poor urban design outcome and limits the ability for adequate tree canopy coverage of hardstand areas.	The proposed undercroft parking area is located entirely beneath the footprint of the two data centre buildings and is therefore covered by built form and shaded throughout the day. In this context, the primary purpose of canopy tree planting within parking areas, namely to provide shade to hardstand surfaces and reduce urban heat island effects, is already achieved through the building structure itself. As such, the provision of canopy trees within the undercroft parking area would not deliver any meaningful urban heat or shading benefit. Furthermore, the physical constraints associated with a covered parking environment

Comment	Response
	make the establishment of large canopy trees impractical and unsuitable. Accordingly, the absence of canopy tree planting within the undercroft parking area does not result in an adverse urban design or urban heat outcome. The proposal instead concentrates tree planting and landscaping within appropriate deep soil and perimeter landscape areas across the site, where canopy trees can be successfully established and provide the greatest environmental and visual benefit.
2. Traffic Engineering Considerations	
a) Lenore Drive is a State Road under the care and control of Transport for NSW. Use of Lenore Drive for construction vehicles will require concurrence from Transport for NSW.	Noted.
b) The development will require restrictions relating to servicing by 19m semi-trailer.	Noted. The Traffic Impact Assessment (TIA) confirms that the largest vehicle anticipated to access the site during operation is a 19.0 metre semi-trailer. Appropriate swept path analysis has been undertaken and demonstrates that these vehicles can safely access, manoeuvre within and exit the site. Should DPHI consider it necessary, the use of vehicles up to a maximum length of 19.0 metres for operational servicing purposes can be incorporated as a condition of consent. The Applicant has no objection to such a condition.
c) For safety reasons, there should be separation between heavy vehicle access and other vehicular access. In this instance, heavy vehicles and light vehicles will be using the same access. To address the concerns related to safety, mitigation measures shall be proposed/ implemented.	The Applicant acknowledges Council's preference for separation between heavy vehicle and light vehicle access. However, separate access arrangements are not feasible for the proposed development as all vehicles entering the site are required to pass through a secure air lock arrangement as part of the operational and security requirements of the data centre. It is also noted that data centres typically generate significantly lower heavy vehicle movements than conventional industrial or warehouse developments, with heavy vehicle activity generally limited to deliveries, servicing and maintenance activities.

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	Notwithstanding, the proposed access arrangement incorporates a number of measures that ensure safe vehicle operation. The air lock system allows vehicles to enter individually, thereby preventing conflicts between vehicles within the secure entry area and ensuring controlled access to the site. The arrangement also creates a low-speed environment for all vehicles entering and exiting the development. In addition, the operation of the security gate and site access procedures is managed to ensure that large service vehicles do not exit the site while light vehicles are queued or entering the secure air lock. This operational management approach minimises potential vehicle conflicts and maintains safe access conditions. The TIA confirms that the proposed access arrangements are capable of safely accommodating the anticipated mix of light and heavy vehicles associated with the development. Accordingly, the shared access arrangement is considered appropriate having regard to the operational requirements of the facility and the proposed traffic management measures.
d) Queuing on the public roadway to be addressed, especially during shift changes.	The potential for vehicle queuing at the site access has been specifically assessed within Section 7.9 of the TIA. The assessment adopts a conservative approach by assuming that all employees arrive within a single hour, which is not reflective of the anticipated operational characteristics of the facility. Based on this conservative scenario, the assessment confirms that the available queue storage distance between the site access and the secure air lock is sufficient to accommodate the forecast 99th percentile queue entirely within the site. Accordingly, the proposal will not result in vehicle queuing extending onto the public road network. It is also noted that the facility does not operate with shift changeovers involving equivalent staff populations. Daytime operational periods accommodate the highest staffing levels, while afternoon and overnight shifts involve significantly lower staff numbers. Shift times will also be staggered. As a result, traffic generation associated with shift changes is expected to be lower than the conservative assumptions adopted within the assessment.

Comment	Response
	The TIA therefore demonstrates that the proposed access arrangement provides adequate internal queue storage capacity and that the development will not generate queuing impacts on the surrounding public road network.
e) It is proposed to provide 78 car parking spaces. The applicant should justify the adequacy of parking spaces based on similar developments (Data Centres).	The adequacy of the proposed parking provision has been comprehensively assessed within Sections 7.1 to 7.4 of the TIA. The assessment adopts a first-principles approach based on the actual operational characteristics, staffing levels and parking demand associated with the proposed data centre rather than relying solely on generic parking rates. The assessment confirms that the provision of 78 on-site parking spaces significantly exceeds the forecast operational parking demand generated by the development. The proposed facility is expected to accommodate a peak operational workforce of approximately 43 staff, resulting in a parking demand substantially below the number of spaces proposed. While application of the DCP parking rate would result in a requirement for approximately 546 parking spaces, such an outcome would be disproportionate to the actual parking demands of the proposed data centre. Data centres are characterised by large building footprints and significant technical infrastructure but relatively low onsite staffing levels during operation. As a result, conventional employment-based parking rates are not representative of the operational parking demand generated by this land use. The proposed parking provision has therefore been tailored to the specific operational requirements of the development and provides a substantial surplus above forecast demand. Accordingly, the TIA confirms that the proposed 78 parking spaces are more than adequate to accommodate the anticipated parking requirements of the site without resulting in parking impacts on the surrounding road network.
f) Information should be provided as to the measures that are to be implemented to address conflict between pedestrians and heavy vehicles.	In response to this matter, the revised site design incorporates dedicated pedestrian pathways connecting the light vehicle parking areas with the building entry points. These pathways provide a defined pedestrian route

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	through the site and minimise the need for pedestrians to traverse areas used by service and heavy vehicles. The operational characteristics of the facility also assist in reducing the potential for pedestrian and heavy vehicle conflict. Heavy vehicle movements associated with the data centre are infrequent and occur at relatively low volumes, while internal vehicle speeds are controlled through the site's secure access arrangements and internal circulation design. Accordingly, the combination of dedicated pedestrian pathways, defined circulation routes and the low-frequency nature of heavy vehicle movements provides an appropriate level of pedestrian safety and effectively manages the potential for conflicts between pedestrians and vehicles within the site.
g) The Construction Traffic Management Plan should be referred to Transport for NSW for concurrence.	Noted. The applicant has no objection to the CTMP being referred to TfNSW for concurrence, should this be required by the consent authority. The CTMP can be prepared prior to the commencement of construction and will address the management of construction vehicle movements, access arrangements and traffic impacts in consultation with the relevant authorities.
3. Environmental Management Considerations	
a) The proposed data centre will be located less than 2.5km from the mega data centre currently on exhibition at 706-752 Mamre Road, Kemps Creek. There are also other data centres located at 769 Mamre Road, Kemps Creek which is currently under construction and 74-104 Aldington Road, Kemps Creek (currently at the request for SEARS stage). The concentration of data centres within the suburbs of Erskine Park and Kemps Creek precinct poses significant environmental health concerns, particularly due to urban heat, water and electricity demand. It is anticipated that the application could have significant environmental health impacts to our community.	The Applicant acknowledges Council's concern regarding the concentration of existing and proposed data centres within the Erskine Park and Kemps Creek precinct. However, the proposal has been subject to a comprehensive environmental assessment process, including detailed consideration of cumulative impacts, and the assessment concludes that the development will not result in significant environmental health impacts to the surrounding community. The location of data centres within the Western Sydney Employment Area is neither unexpected nor inappropriate. The precinct has been specifically planned and zoned to accommodate large-scale industrial, warehousing, logistics and infrastructure uses requiring access to major transport corridors, electrical infrastructure and strategic employment

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	land. Data centres represent a permissible and anticipated land use within this industrial context. The proposal has been supported by specialist assessments addressing key environmental issues including energy demand, greenhouse gas emissions, water use, air quality, noise, traffic, visual impacts, biodiversity, bushfire, flooding and sustainability. These assessments demonstrate that the proposal can operate within applicable environmental standards and without generating unacceptable impacts on surrounding communities. In relation to urban heat, the proposal incorporates extensive landscaping, deep soil planting and canopy tree planting opportunities having regard to operational, infrastructure and bushfire constraints. The development also includes energy-efficient building design measures and has been assessed through a dedicated Ecologically Sustainable Development framework. The proposal is not expected to generate adverse off-site urban heat impacts. In relation to water demand, the development has been designed to utilise efficient cooling systems and water management measures that minimise potable water consumption. Water servicing requirements have been assessed in consultation with the relevant servicing authorities, who have confirmed that the development can be appropriately serviced. Similarly, electricity demand associated with the proposal has been considered as part of the broader strategic planning and servicing framework applicable to the Western Sydney Employment Area. The development will be required to obtain all necessary utility connections and approvals from the relevant electricity network providers. The availability and provision of electrical infrastructure is a matter managed by the relevant network authorities and does not, of itself, give rise to an adverse environmental health impact. The EIS also includes a cumulative impact assessment which considers the interaction of the proposal with existing and approved development within the broader locality. The assessment concludes that the proposal would not result in unacceptable cumulative impacts when considered

Comment	Response
	alongside other existing, approved and proposed developments within the precinct. Accordingly, while it is acknowledged that a number of data centre developments are emerging within the broader Erskine Park and Kemps Creek area, the technical assessments undertaken for this proposal demonstrate that it can be accommodated within the planned industrial precinct without resulting in significant environmental health impacts on the surrounding community.
Environmental Management	
a) It needs to be ensured that adverse impacts on surrounding receivers and the environment are avoided and mitigated where necessary, in accordance with any relevant planning instrument and the relevant NSW EPA guidelines.	Noted. Noise impacts have been assessed in accordance with the relevant NSW EPA guidelines and applicable planning requirements. The NVIA confirms that potential noise impacts on surrounding receivers can be appropriately managed through the proposed design, operational controls and recommended mitigation measures.
Pollution Management	
a) The storage of diesel and the re-fuelling of diesel tanks need to be considered at this stage. A pollution management plan should accompany the application detailing strategies to prevent spills and, should spills occur, methods to protect the stormwater system and other sensitive areas.	The management of diesel storage, refuelling and spill containment has been comprehensively addressed within the supporting technical documentation submitted with the application. In particular, Section 7.4 of the Dangerous Goods Compliance Report outlines the spill containment and fuel handling requirements necessary to achieve compliance with AS 1940, including measures relating to fuel storage, refuelling operations and spill management. In addition, the proposed stormwater management system incorporates two Gross Pollutant Traps that treat all piped stormwater runoff prior to discharge to the constructed wetland. The nominated GPT units include hydrocarbon baffles specifically designed to capture and retain free hydrocarbons, thereby providing an additional level of protection in the unlikely event of a fuel spill. Further details of the proposed stormwater quality treatment measures are provided in Section 5.4 of the Integrated Water Management Plan (IWMP). Collectively, the Dangerous Goods Compliance Report and IWMP demonstrate that appropriate measures have been incorporated into

Comment	Response
	the design to prevent, contain and manage potential fuel spills and to protect the stormwater system and downstream receiving environments. It is also noted that a standalone Pollution Management Plan is not a requirement of the project's SEARs. The matters raised by Council have already been addressed through the specialist assessments accompanying the application. Notwithstanding, should the consent authority consider it necessary, the preparation of a Pollution Management Plan could be required as a condition of consent prior to operation of the development.
Electromagnetic Energy	
a) Due to the number of sub stations and associated infrastructure, DPHI needs to be satisfied that the Electromagnetic Energy produced by this infrastructure will not affect human health. Therefore, it is recommended that an EME report be prepared in accordance with the Australian Radiation Protection and Nuclear Safety Agency requirements.	The preparation of an Electromagnetic Energy (EME) Report was not identified as a SEARs requirement for the project and no agency with regulatory responsibility for electrical infrastructure has requested such an assessment during the assessment process. The proposal comprises electrical infrastructure that is typical of a modern hyperscale data centre and will be designed, constructed and operated in accordance with all relevant Australian Standards, industry requirements and utility provider specifications. Compliance with these requirements ensures that any electromagnetic fields generated by the infrastructure remain within established regulatory and safety limits. It is also noted that the electrical infrastructure is located within an industrially zoned site and is separated from sensitive receivers by substantial distances. No evidence has been provided to demonstrate that the proposal would result in unacceptable electromagnetic energy impacts or present a risk to human health. Accordingly, the preparation of a standalone EME Report is not considered necessary to assess the environmental impacts of the development and no further assessment is warranted in this regard.
Heat Impacts	
a) Western Sydney is prone to periods of extreme heat. The development is anticipated to produce an urban heat island effect during the construction and ongoing use phases. This includes the heat generated through the	An Urban Heat Island Mitigation Diagram has been prepared to illustrate the key design initiatives incorporated into the proposal to reduce potential urban heat island effects. The diagram identifies measures

Comment	Response
operation of the data centre. Heat impacts should be considered as part of the EIS and be accompanied by heat emissions calculations and strategies to minimise heat impact. The cumulative impacts of heat should be considered given the proximity to and heat impacts of the mega data centre nearby.	including deep soil and permeable areas, increased tree canopy cover, reflective roof and façade materials, water sensitive urban design measures, cross ventilation, biodiversity planting and blue-green links. These measures are integrated into the site layout, landscape design and built form response. The proposal incorporates low absorptivity and high solar reflectance external finishes to reduce solar heat absorption and minimise heat radiated back into the surrounding environment. The proposal also includes substantial landscaping and deep soil planting areas which provide shade, support canopy growth and contribute to cooling through evapotranspiration. The integration of WSUD measures further assists in cooling outcomes through increased moisture availability and vegetation establishment. The site adjoins a substantial area of woodland vegetation associated with the Ropes Creek corridor, which provides an established cooling influence and contributes to the moderation of local temperatures. The proposal strengthens connections to this broader green and blue infrastructure network through landscaping, biodiversity planting and ecological connectivity measures. The proposal has also been designed to maximise operational energy efficiency and minimise heat rejection. As outlined in the ESD Report, the facility targets an annualised PUE of less than 1.3 through the implementation of highly efficient cooling and building services systems. In combination, the proposed building materials, landscaping, WSUD measures, adjacent vegetation corridors and operational efficiency measures are considered to appropriately respond to urban heat considerations and minimise the potential for adverse urban heat island impacts, including cumulative impacts within the broader precinct. Refer to the Urban Heat Island Mitigation diagram.
Environmental Health Risk Assessment	
a) An overarching Environmental Health Risk Assessment (EHRA) should be undertaken as part of the EIS stage. This EHRA should be undertaken in accordance with the Australian Governments Department of Health, Disability and Ageing's "Environmental Health Risk Assessment: Guidelines	The preparation of a standalone EHRA was not identified as a SEARs requirement for the project.

Comment	Response
for assessing human health risks from environmental hazards". This EHRA can incorporate the points as listed above.	Notwithstanding, hazard and risk matters have been specifically assessed through the SEPP (Resilience and Hazards) Risk Screening Assessment prepared in response to SEARs requirements. The purpose of this assessment was to determine whether the proposed development would constitute a potentially hazardous industry under the provisions of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The assessment considered the storage and handling of dangerous goods associated with the development, including diesel fuel and electrolytes contained within lithium-ion battery systems. Having regard to the class, quantity, location and handling of these materials, the risk screening assessment concluded that the proposal would not be classified as a potentially hazardous industry and that the preparation of a Preliminary Hazard Analysis is not required. In addition, the EIS is supported by a comprehensive suite of technical assessments addressing the key environmental and human health-related considerations relevant to the development, including noise, air quality, traffic, flooding, contamination, bushfire, water management, hazards and risks, and sustainability. Collectively, these assessments demonstrate that the proposal can be developed and operated without resulting in unacceptable risks to human health or the environment. Accordingly, the preparation of a separate overarching EHRA is not considered necessary, as the relevant environmental health and risk considerations have already been appropriately addressed through the assessments undertaken in accordance with the project SEARs and applicable statutory requirements.
b) Due to the above, it is questionable whether this location is appropriate for a data centre given the number of data centres in a concentrated area. It has been found with other applications that there is a potential for heat impacts, particularly at night. This will have significant health impacts to residents in the surrounding area.	The site is located within the Western Sydney Employment Area, a strategically planned industrial precinct intended to accommodate large-scale industrial, warehousing, logistics, infrastructure and technology-related development. Importantly, data centres are a permissible land use within the applicable planning framework and are an anticipated form of development within this type of employment precinct. The proposal is therefore consistent with both the zoning objectives and the strategic planning intent for the area. The existence of other approved, existing or proposed data centres within the broader precinct

Comment	Response
	does not indicate that the land is unsuitable for such development. Rather, it reflects the suitability of the precinct for infrastructure-intensive employment uses requiring access to major transport, utility and communications networks. Importantly, the site is well separated from sensitive receivers. The nearest residential areas are located more than 400 metres from the development site and are separated by an above-ground electrical transmission corridor, road corridors, substantial areas of woodland vegetation and intervening industrial land uses. This level of separation significantly reduces the potential for any off-site impacts on residential communities. As outlined in the ESD Report and supporting urban heat response, the proposal incorporates a range of measures specifically designed to minimise heat generation and urban heat island effects, including extensive landscaping and deep soil planting, high solar reflectance external finishes, highly efficient cooling systems and a targeted annualised PUE of less than 1.3. The site also benefits from its proximity to extensive woodland vegetation, which contributes to local cooling and assists in moderating ambient temperatures. Furthermore, given the separation distances involved and the mitigation measures incorporated into the design, the proposal is not expected to contribute to unacceptable cumulative heat impacts when considered alongside other existing, approved or proposed data centres within the broader precinct. Accordingly, the site is considered an appropriate location for the proposed development, and the technical assessments undertaken for the project demonstrate that it can operate without resulting in unacceptable impacts on surrounding communities or human health.

4. Waterways Considerations

a) DPHI is the assessment and consent authority for this proposal. As part of the assessment of the application, DPHI will need to be satisfied that all Waterway health requirements are assessed in accordance with applicable legislative requirements and relevant guidelines. Based on a high-level review of the above, it is noted that several technical reports	Noted. The proposal is supported by a range of specialist technical assessments including the IWMP, Flood Impact and Risk Assessment, and associated civil engineering documentation. These assessments have been prepared in accordance with the applicable legislative
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Comment	Response
have been prepared in response to the waterway health requirements associated with the development.	requirements, guidelines, and industry standards, and demonstrate that waterway health impacts can be appropriately managed.
b) It is also noted that the proposed development includes the use of rainwater tanks and the site connects to the stormwater drainage network that was approved as part of the parent subdivision. The maintenance of the stormwater treatment infrastructure will be the responsibility of the developer / owner in perpetuity. Further to comments made previously, I don't have any additional comments and note that the department should ensure that the sizing of rainwater harvesting tanks is appropriate to maximise the supply for non-potable uses (noting Councils requirement that a minimum of 80% of non-potable demands should be met with harvested rainwater).	Noted. The proposed rainwater harvesting system has been designed in accordance with the IWMP and incorporates appropriately sized rainwater storage to maximise the use of harvested water for non-potable demands. Ongoing maintenance of stormwater treatment and water management infrastructure will be the responsibility of the site owner, in accordance with the approved operational management framework.
c) If the application is progressed, conditions would need to be applied to ensure that the on lot GPT's and associated stormwater treatment infrastructure will be the responsibility of the developer / property owners to maintain (i.e., they cannot be dedicated to Council). It is suggested that a positive covenants and restrictions of use are applied.	Noted. The Applicant acknowledges that all on-site GPTs and associated stormwater treatment infrastructure will remain under private ownership and maintenance responsibility and will not be dedicated to Council. The applicant has no objection to the imposition of appropriate conditions of consent requiring ongoing maintenance arrangements, including positive covenants and restrictions on use, where considered necessary by the consent authority.
Sydney Water	
Our assessment has been undertaken based on the following demands on the Erskine Park Elevated Water Supply Zone (WSZ) provided as part of Appendix N – revised infrastructure and utility report and the Anticipated Section 73 application (CN230201): - Maximum Day Demand (ML): 0.04ML - Average Day Demand (ML): 0.022ML Any change to the demand figures will require a review of servicing and responses to be revised.	Noted. The water demand figures referenced in Appendix N – Revised Infrastructure and Utility Report and the anticipated Section 73 Application (CN230201) are confirmed as the basis for the proposed servicing strategy, being: - Maximum Day Demand: 0.04 ML - Average Day Demand: 0.022 ML No change is proposed to these demand figures. Should the demand assumptions change, the servicing strategy will be reviewed and updated as required.

Comment	Response
Water Servicing	
Our preliminary assessment indicates that water servicing should be available for the proposed staffing (domestic use).	Noted.
Amplifications, adjustments, deviations and/or minor extensions may be required, including but not limited to, on site storage.	Noted.
Although the applicant has advised Sydney Water that the transition from water-based to air-cooled systems will remove any potable water demand for data centre cooling, limiting usage to typical ancillary/domestic amenities, Sydney Water requires site-wide smart metering to verify actual water consumption.	Noted. This matter is currently being addressed with Sydney Water through the Notice of Requirements process. Sydney Water has advised that smart metering may be required for the site's potable water and fire service connections, and the outcome of these discussions will be reflected in the revised Notice of Requirements documentation.
Detailed requirements will be provided at the Section 73 application stage.	Noted.
Recycled Water Servicing	
If recycled water is available in the area, the development may be reallocated onto the non-potable water scheme if applicable.	Noted. Should recycled water become available to the site in the future and be deemed feasible by the relevant servicing authority, the Applicant would consider connection to the non-potable water scheme, subject to operational and infrastructure requirements.
Wastewater Servicing	
Our preliminary assessment indicates that wastewater servicing should be available for the proposed development. This is under the proviso that no water is utilised for cooling, and no blowdown is being returned to Sydney Water's sewer network.	Noted. The proposal does not utilise water for cooling purposes and no cooling system blowdown is proposed to be discharged to Sydney Water's sewer network.
Wastewater discharges for this proposal are expected to be typical of warehouse developments of this scale/job number.	Noted.
Amplifications, adjustments, deviations and/or minor extensions may be required.	Noted.

Comment	Response
Detailed requirements will be provided at the Section 73 application stage.	Noted.
Critical Assets – Wastewater	
A 525mm wastewater main currently traverses the site.	Noted.
Due to the critical nature of this Sydney Water asset, an Out of Scope Building Approval (OOSBPA) will be required. Adjustment or deviations may be required.	Noted. An OOSBPA assessment has been initiated, with Vinculum Advisory managing the application and ongoing engagement with Sydney Water regarding the affected asset.
Detailed requirements will be provided at the OOSBPA stage.	Noted.
The proponent is recommended to engage a Water Servicing Coordinator (WSC) as soon as possible to facilitate the OOSBPA and associated works.	Noted. The applicant has engaged Vinculum Advisory as the Water Servicing Coordinator (WSC) to facilitate the OOSBPA process and coordinate the associated Sydney Water requirements.
Next Steps	
Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent. ▪ Section 73 Compliance Certificate ▪ Out of Scope Building Plan Approval	Noted.
The proponent is advised to engage a WSC as soon as feasible to facilitate the OOSBPA and associated works.	Noted. The applicant has engaged Vinculum Advisory as the WSC to facilitate the OOSBPA process and coordinate the associated Sydney Water requirements.
The Department is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.	Noted.

Comment	Response
Transport for NSW	
<u>Recommended condition:</u> To ensure that construction activities for the proposed development are effectively managed and the cumulative traffic impacts appropriately mitigated, TfNSW recommends that prior to any construction certificate the applicant consult with TfNSW by email to development.ctmp.cjp@transport.nsw.gov.au in the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP) to include but not limited to the following: ▪ Proposed haulage routes and construction vehicle access arrangements. ▪ Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can be accommodated within the context of road changes in the surrounding area. ▪ Identify any potential impacts to general traffic, cyclists, pedestrians, and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. ▪ Identify the cumulative construction activities of the development and other projects within or around the development site. ▪ Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP. ▪ Construction program and construction methodology, including any construction staging. ▪ Consultation strategy for liaison with surrounding stakeholders and other developments under construction. ▪ Details of crane arrangements including location of any crane(s) and crane movement plan. ▪ Proposed construction hours. ▪ A detailed plan of any proposed hoarding and/or scaffolding.	Noted. Construction activities will be subject to a further CTMP, prepared in consultation with TfNSW and submitted for TfNSW endorsement prior to the commencement of relevant works. The detailed CTMP will address on-site and off-site construction traffic arrangements, including haulage routes, vehicle movements, staging, cumulative impacts and stakeholder communication, once the preferred construction contractor has been appointed.

Comment	Response
Provide the direct contact details to businesses and residents impacted by the construction work and TfNSW to resolve issues during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction; and Submit a copy of the final plan to TfNSW for endorsement	
Department of Climate Change, Energy, the Environment and Water	
Heritage NSW	
The Submissions Report and Revised Aboriginal Cultural Heritage Assessment Report (ACHAR) have adequately addressed comments from Heritage NSW. The Amendment Report outlines that the proposed amendments would not have any additional impacts to Aboriginal cultural heritage assessed for the EIS. Heritage NSW has no further comments on the proposal at this time.	Noted.
Conservation Programs, Heritage and Regulation Group	
<i>Flooding</i> CPHR reiterates its previous advice that the Flood Impact and Risk Assessment (FIRA) is inadequate. Specifically, the FIRA has not considered all types of flood behaviour that affect the site for the full range of flooding, overland flooding that impacts the site and the long-term impacts of climate change. <u>Key Assessment Issues</u> CPHR's previous comments provided on 26 January 2026 have not been addressed. CPHR acknowledges the additional information provided in Section 7 – Figure 4 of the FIRA which depicts Ropes Creek 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) flood extent at the eastern side of the development. This information shows that the proposed generator gantry is outside the PMF extent, however, the proposed access road is partially impacted by the 1% AEP up to the PMF event.	A meeting was held with MCEF on 17 June 2026 to discuss the post-development flood impact and flood data obtained from Penrith Council. As discussed during this meeting, the post-development scenario addresses flooding concerns due to the following: - A comparison between existing survey levels for the site and PMF levels from the Wianamatta South Creek Catchment Flood Study and Penrith Council Flood Levels Enquiry indicates that the PMF extent does not encroach within the northern extent of development works, as the development intends to match into the existing wetland maintenance access road. - The existing vegetated embankment in the southern corner of the site has the top of embankment above the PMF level. Thus, the PMF extent does not encroach beyond the embankment and constructed wetland, which provides a physical barrier to flood water.

Comment	Response
<u>Recommended Action</u> The FIRA should be revised to: - clarify whether the flood extents depicted in Figure 4 have considered the long-term impacts of climate change - address all types of flood behaviour that affect the site for the full range of flooding. The FIRA should consider the overland flooding that impacts the site. This information is available from Penrith City Council.	FIRA Figure 4 and Appendix D shows an overlay of the proposed development works in the south eastern portion of the site relative to the existing survey levels and flood extents has been prepared to show that there is minor encroachment of the development into the 1% AEP and PMF extents. The impact to flood storage and flood behaviour would be negligible due to the minimal displacement of floodwater. As discussed, and agreed with MCEF in the meeting, the FIRA has been updated to add further detail to Figure 4 and new Appendix D to provide a higher resolution flood extent sketch to resolve outstanding concerns from CPHR/MCEF.
Fire + Rescue NSW	
FRNSW have reviewed the Amendment Report with particular focus to Appendix ZF Revised Hazards and Risk Screening and Appendix ZG Revised Dangerous Goods Compliance Report. FRNSW refers to our previous letter dated 19 December 2025, Advice on EIS (D25/153613), for STACK SYD01 DATA CENTRE ERSKINE PARK – 78 LOCKWOOD ROAD, ERSKINE PARK (SSD-82211208). All recommendations made in this letter remain applicable to this project. FRNSW submit no additional comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation at this stage.	Noted.
NSW EPA	
1. Air Quality Assessment	
Potential for over 200 hours of generator operations	
The EPA recommended the applicant provide details and clarity on the use of the diesel generators including: a) That testing is occurring in accordance with manufacturer specifications,	The matters raised by the EPA have been addressed within the revised AQIA. In particular, Table 4 of the revised AQIA provides a detailed breakdown of generator operating scenarios, including routine testing activities, total runtime per generator and cumulative annual runtime. The assessment incorporates warm-up and shut-down periods within

Comment	Response
b) That the hours of operations are calculated based on all minutes where generators are on (i.e. ensuring that warm-up/cool-down periods are included in the calculation), c) That an adequately conservative buffer is included for non-routine generator use. The EPA recommended that if the proposed generator use exceeds 200 hours, the applicant must provide details of how the POEO Clean Air Regulation NO2 limit will be achieved. The applicant's response: "The revised AQIA has revised the testing scenario to include 4 generators tested at once resulting in a total of 136 hours for testing". The revised AQIA has provided a table that outlines the specific testing scenarios (eg. run test, off-load run, load banking). The revised AQIA states that "where power outages result in the generators running, this would be factored into the annual testing requirements and planned maintenance would be deferred to the following year in lieu of hours already run under load". The EPA has become aware of additional uses of back-up generators at data centres including for voltage disturbances, IT maintenance, substation maintenance, load shedding and grid firming. The EPA considers that any foreseen use of the diesel generators must be considered in both the accounting of the 200 hours and the modelling of impacts. Where the diesel generators may be used for load shedding and grid firming purposes, the number and load of generators must be clearly described and the modelled impacts must meet the impact assessment criteria in the Approved Methods, including for 1-hour NO2 for all hours of the year.	the reported operating hours and has been developed having regard to the manufacturers' testing and maintenance requirements. The revised AQIA assesses both routine testing and emergency operation associated with a loss of external power supply. Annual generator runtime assumptions were previously reported as 198 hours in the original AQIA and have subsequently been revised in response to EPA feedback. The adopted testing regime now results in approximately 136 hours of annual testing and includes an appropriate allowance for non-routine generator operation associated with unplanned power outages and grid disturbances. The AQIA has therefore been prepared based on the operational scenarios outlined in Section 5.2.2 and reflects the reasonably foreseeable operation of the standby generation system. In relation to potential future use of generators for grid support purposes, the Applicant acknowledges the EPA's comments. However, discussions with TransGrid to date have focused on the facility's ride-through capability and network resilience arrangements and do not contemplate the use of standby generators for load shedding, grid firming or similar grid support functions. Furthermore, the facility has been designed to achieve concurrent maintainability without reliance on standby generation during normal operations, including planned maintenance activities and substation maintenance events. Accordingly, the Applicant confirms that less than 200 hours of generator operation per annum is anticipated and that the AQIA has assessed the relevant and reasonably foreseeable operating scenarios associated with the development.
Further, the revised AQIA states: "The generators are maintained in a 'service-ready' state and do not require a warm-up period, with individual start-up times of less than 20 seconds". The EPA considers any state where the generators are on and producing emissions is considered operating for the purposes of calculating 200 hours under the Clean Air Regulation clause 73. As such, the applicant must provide demonstration that the proposed generators will not be operating (i.e. in any manor) for less than 200 hours a year.	The AQIA has been updated to assess generator operation using the annual operating hours set out in Table 4 of the AQIA. These hours form the basis for the assessment of routine testing and annual average air quality impacts. For the avoidance of doubt, the operating hours adopted within the AQIA include warm-up and shut-down periods. The reference within the AQIA to generators being maintained in a "service-ready" condition relates to the standby status of the equipment,

Comment	Response
The EPA has calculated that the proposed volume of diesel (4454 kL) for the data centre would be able to supply the facility for 31.4 hours for all 188 generators operating at 100 % load. If the applicant expects they will need more than 30 hours of fuel supply for emergency use, then this is the number of hours that needs to be accounted for in determining the total number of hours the generators will operate.	including charged starter batteries, available control systems and fuel systems maintained in readiness for operation. The generators are not operating and do not produce emissions while in this service-ready state. In relation to fuel storage, the quoted diesel storage volume of 4,454 kL was provided for the purposes of regulatory classification under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and was not used to derive annual generator operating hours, emissions estimates or air quality modelling inputs. Fuel storage capacity and annual operating hours are separate considerations. The diesel storage volume has been determined to satisfy customer contractual requirements relating to fuel resilience and continuity of operations, including the provision of approximately 24 hours of fuel storage capacity. It is not indicative of expected annual generator runtime and should not be used as a proxy for estimating operational hours. Accordingly, the AQIA has been updated using the operational assumptions outlined in Table 4 of the AQIA, and does not require further revision on the basis of fuel storage capacity. Less than 200 hours of generator operation per annum is anticipated, including routine testing, emergency operation and allowances for non-routine use.
The EPA recommends that DPHI requests that the applicant: a) provides an updated accounting of diesel generator operating hours (accounting for any circumstance where the generators are on including voltage disturbances, IT maintenance, substation maintenance, load shedding and grid firming). b) for each specific use of generator operation (eg. Routine testing, IT maintenance, substation maintenance, grid firming, load shedding, power failure), the applicant must provide details on the number of generators that will be required. c) for any foreseen use of generators, the applicant must model the ground level concentrations to transparently represent the proposals potential impacts.	The AQIA has been updated on the basis of the defined generator operating scenarios set out in Section 5.2.2 of the AQIA, comprising routine testing and emergency operation during loss of external power supply. These scenarios define both the number of generators operating and the associated runtime assumptions applied within the emissions inventory and subsequent dispersion modelling. The AQIA does not include additional operational modes such as voltage support, IT maintenance, substation maintenance, load shedding or grid firming, as these do not form part of the proposed operational regime for the facility. The Applicant confirms that the data centre is designed to achieve concurrent maintainability without reliance on standby generators during normal operations or planned maintenance activities. Accordingly, the operating hour assumptions, generator numbers and air quality modelling presented within the AQIA are based on the reasonably

Comment	Response
	foreseeable operating scenarios proposed as part of the development. As the additional operational modes referenced by the EPA do not form part of the proposed development or defined standby generator operating regime, further assessment of these scenarios is not considered necessary.
Justification of emission performance	
The EPA recommended the applicant evaluate the generator emission performance against Best Available Technology (UK Emergency Generator BAT) and justify where best emission performance generators are not selected. Applicant Response: "The revised AQIA acknowledges that the selected generators (Baudouin 16M55G3750/5) exceed all performance standards for NOx". The revised AQIA includes a review of Best Available Technologies (section 8.2.6 and Appendix G). The revised AQIA contradicts itself by stating that the emission performance is below Tier 1 then later claiming it meets Tier 2. The generator emission specifications (provided as Appendix E) identifies that the generators do not meet any emission standard. Appendix G identifies that in comparison to UK BAT for emergency generators NO2 concentration of 2000 mg/m3 (5% O2), the proposed generators for this data centre has a NO2 concentration of 3813.5 mg/m3 (5% O2). The revised AQIA justification that the generators selected to ensure operational reliability and suitability for emergency power supply is not adequate considering many other data centres identify back-up generators that are capable of meeting Tier 1 and even Tier 2 emission standards. The revised AQIA includes a chapter on mitigation (section 8.2.5) which includes "liaison with suppliers should continue to investigate best-practice operation and technology improvements". Better emission performance generators are already available. Tier 1 was phased in from 1996 and Tier 2 from 2001 (as identified in Appendix G of the revised AQIA). Other data centres are already adopting Tier 1 and Tier 2 engines, which indicates it is reasonable and feasible to install better emission performance generators to minimise emissions and impacts.	The AQIA has been updated to reflect the selection of the Baudouin 16M55G6D2/5 generator as a nominated representative unit. This generator is compliant with US EPA Tier 2 emissions standards, as documented in Appendix E of the updated AQIA. The nominated generator achieves a NOx emission rate of 5.34 g/kWh, which is below the applicable US EPA Tier 2 limit of 6.4 g/kWh. The updated generator specification demonstrates that an emissions-certified generator with improved emissions performance has been adopted for the development. Additional information regarding generator emissions standards, alternative technologies and comparative performance assessments is provided in Appendix G of the updated AQIA. The AQIA has been revised on the basis of a Tier 2 compliant generator and incorporates the associated emissions characteristics within the assessment of potential air quality impacts.

Comment	Response
Although the applicant claims that the generators will only operate for less than 200 hours and that therefore the usage is low. The emergency scenario predicts up to 1043 exceedances of the hourly NO2 criteria at the worst affected receptor and up to 1716 % of the 1-hour NO2 criteria (NSW EPA's and NEPM's). The emergency scenario also predicts 68 exceedances of the PM2.5 24-hour criteria at the worst affected receptor. The revised AQIA states that the probability of these impacts occurring is low, but as the occurrence of power outages (per Figure 16) happens every year for at least 1 hour, the probability of exceedances of the 1-hour NO2 criteria is more than 11% and 18% for PM2.5 for the most impacted receptors (Table 32). This is not an insignificant occurrence and risk.	
As this data centre will require a licence, EPA is required to consider the pollution likely to be caused, the likely impact of that pollution and the practical measures that could be taken to prevent, control, abate or mitigate that pollution (section 45 of the Protection of the Environment Operations Act 1997). The EPA considers that the practical measures include the selection of diesel generators that meet Tier 2 NOx emission performance. While this will not result in compliance with criteria during an emergency scenario, it has the potential to reduce NO2 impacts by half to a third of currently predicted.	The AQIA has been updated to be based on representative standby generator technology compliant with US EPA Tier 2 emissions standards. The Baudouin 16M55G6D2/5 has been included as a nominated representative unit for the purposes of emissions estimation and dispersion modelling, and reflects the improved emissions performance sought by the EPA. The updated AQIA has therefore been prepared on the basis of a Tier 2 compliant generator and incorporates the associated emissions characteristics within the assessment of potential air quality impacts. The Applicant acknowledges that the selection of standby generator equipment requires consideration of a range of engineering and operational requirements associated with critical emergency power systems including reliability, redundancy, transient response, integration with electrical infrastructure, maintenance requirements, and supplier availability. The nominated Tier 2 compliant generator has been identified as an appropriate representative unit that satisfies both emissions performance objectives and the operational requirements of the facility.
The EPA recommends that DPHI requests that the applicant: a) must consider the installation of Tier 2 generators to ensure emissions and impacts are minimised.	The AQIA has been updated to be based on representative standby generator technology compliant with US EPA Tier 2 emissions standards. The Baudouin 16M55G6D2/5 has been included as a nominated representative unit used to inform the updated emissions inventory and dispersion modelling assessment. Accordingly, the assessment has been undertaken on the basis of Tier 2 compliant generator technology.

Comment	Response
b) must provide details of the entire power supply system, including information on the UPS system capabilities to minimise diesel generator use.	The proposal also incorporates UPS systems and a multi-redundant electrical supply arrangement as part of the overall power infrastructure design. These systems are intended to maintain continuity of supply and minimise reliance on standby diesel generation during transient power disturbances and short-duration network events. The detailed configuration and performance characteristics of the electrical and UPS systems are matters of detailed design. However, these systems form part of the facility's resilience strategy and support the minimisation of standby generator operation. The AQIA has been performed on the basis of the defined generator operating scenarios and associated emissions assumptions adopted for the development.

2. Greenhouse Gas Assessment

Provide information to support the assumptions used to report Scope 2 emissions as zero

The revised GHG assessment includes three different assessment scenarios. A detailed description of individual scenarios is provided in Section 3.1.2 of the assessment.

Scenario 3 is representative of all proposed emissions mitigation measures, including design features to maximise energy efficiency (e.g., target PUE ~1.3), use of low global warming potential refrigerants in cooling systems and securing electricity backed by renewable projects.

The operator and lessee Scope 2 emissions for IT requirements for Scenario 3 are reported as zero on the basis that the electricity supply will be backed by renewable projects. However, additional information is required to verify the estimates and conclusions in the revised GHG assessment.

The applicant has committed to procuring Power Purchasing Agreements (PPAs) for accredited GreenPower (i.e., renewable electricity). However, there is no information on the scheme that will be used to retain and retire certificates nor on specific reporting requirements that would allow for emissions to be reported as zero.

The project operation will constitute a significant additional load to the grid and additional large indirect GHG emissions. It is critical the applicant

STACK will procure and surrender/retire eligible Large-scale Generation Certificates (LGCs), and beyond 2030 eligible Australian recognised replacement scheme certificates, to match 100% of STACK's own annual operational electricity use from the commencement of operations.

STACK is committed to annual reporting consistent with that demanded by the NGER scheme and will provide the following to clearly demonstrate zero emissions:

- Annual electricity consumption data;
- Voluntary certificate surrender records of eligible LGCs in the REC Registry and eligible Australian recognised replacement scheme certificates beyond 2030;
- Retailer/provider statements;
- Residual market-based Scope 2 emission calculations consistent with NGER reporting.
- STACK commits to:
 - Match electricity consumption and certificates on an annual MWh basis;

Comment	Response
provides information to support the assumptions made to report Scope 2 emissions as zero. The EPA recommends that DPHI requests that the applicant provides information to support the assumptions made to report Scope 2 emissions as zero. Consideration is to be given, but not limited to: a) Relevant schemes that will be used to retain and retire certificates. b) Reporting requirements that would allow for indirect emissions to be reported as zero. c) Any other relevant information.	– Retire certificates in the same reporting period ensuring claim only by STACK; and – Maintain auditable records consistent with NGER reporting principles. Further detail is provided in Section 4.4 of the updated GHG Assessment Report.
The Applicant's role in securing electricity backed by renewables on behalf of the lessees remains unclear	
For both operator and lessee IT requirements the Scope 2 emissions for Scenario 3 are reported as zero. The assumption is based on the electricity supply being backed by renewable projects. However, the applicant's role in procuring renewable-backed electricity for lessees is unclear. Therefore, it is unclear if IT requirements emissions by the lessee can be reported as zero. If the applicant cannot, or chooses not to, make such commitments on behalf of their lessees, this is to be specified and justified, and indirect emissions due to electricity use are to be updated accordingly for all emissions scenarios. The EPA recommends that DPHI requests: a) that the applicant confirms their role in procuring Power Purchasing Agreements (PPAs) for accredited GreenPower on behalf of the lessees. If the applicant chooses not to make commitments on behalf of the lessees, it is expected the reasons for this decision are outline. b) Based on the answer for item a above, emissions estimates in the Revised GHG be updated accordingly and consistent with the <i>NSW Guide for Large Emitters</i>.	In relation to lessee electricity requirements, all prospective hyperscale customers have commitments to 100% of their energy backed by renewables per their publicly available commitments (see updated GHG Assessment report Section 4.4 for links). Hyperscale customers typically procure renewable electricity at a portfolio level across multiple sites and regions, enabling larger PPAs, centralised certificate management and alignment with audited sustainability reporting. This approach is more efficient and lower risk than a single-site PPA, which can result in timing, pricing, and over or under procurement issues due to uncertain load ramp and delivery. Portfolio procurement provides scale, flexibility to match actual consumption, diversification across generation sources and locations, and robust auditability. A specific customer project commitment cannot be finalised until after the approval of the SSDA planning permit and power approval as customers require certainty on project delivery time and scope before engaging in contractual commitments. Notwithstanding, STACK commits to obtain annually the evidence from any eventual customers including a certificate of attestation or written confirmation with verifiable supporting evidence demonstrating 100% renewable offset of the relevant MWh consumption and certificate surrender consistent with NGER market-based accounting principles, from the commencement of operations.

Comment	Response
	This confirmation would be provided in a form that respects customer confidentiality while enabling STACK and its GHG consultant to verify the market-based Scope 2 assumptions used for the project and meet the NGER scheme reporting obligations. Further detail is provided in Section 4.4 of the updated GHG Assessment Report. Note, GHG estimates are unchanged as consideration of Hyperscale customers commitments are the same.
The independent review is to be revised	
The revised GHG does not provide an updated version of the Independent Reviewer. Consistent with the NSW Large Emitters Guide, projects with scope 1 and 2 emissions exceeding 100,000 t CO₂-e per year at any time over the operational life of the project require mitigation assessments to be verified by an independent expert reviewer. Given that indirect emissions from electricity use represent the largest source of project-related emissions, and that the primary mitigation measure proposed is the procurement of PPAs for accredited GreenPower, the Independent Review should be revised to address the applicant's mitigation approach on this matter. It is expected that the expert reviewer will have the qualifications and experience needed to comment on procuring PPAs for accredited GreenPower, as well as on the schemes used to procure, retain, and retire certificates over the life of the project. The EPA recommends that DPHI requests that: a) The Independent Review is to be revised to include an assessment of the applicant's proposed mitigation measures and specifically address PPA procurement for accredited GreenPower and the associated certificate schemes that will be used for the life of the project. b) It is expected that the expert reviewer will have the qualifications and experience needed to comment on procuring PPAs for accredited GreenPower, as well as on the schemes used to procure, retain, and retire certificates over the life of the project.	The Independent Expert Reviewer has reviewed the updated GHG Assessment Report. See appended IER Report to the GHG Assessment Report.

Comment	Response
3. Battery energy storage system	
The EPA reviewed the Operational Waste Management Plan and the Dangerous Goods Compliance Report and there is inadequate information provided regarding the details about the amount of waste batteries proposed to be stored on the premises at any one time and appropriate fire management measures proposed, including separation and storage of any contaminated fire-fighting water. The EPA recommends that DPHI requests that the applicant provide further information regarding: a) the management of the battery energy storage system including details about the amount of waste batteries proposed to be stored on the premises at any one time. b) the fire management measures proposed, including separation and storage of any contaminated fire-fighting water. Note: the EPA advises DPHI to inform the applicant that an EPL is required to transport higher risk wastes (classification of waste batteries should be applied in accordance with EPA's waste classification guidelines) and waste tracking requirements also apply. Compliance with relevant dangerous goods transport legislation is required when transporting batteries considered as dangerous goods (as per the Dangerous Goods (Road and Rail Transport) Act 2008).	The information requested by the EPA is provided within the updated Dangerous Goods Compliance Report (Revision M), issued with the original RtS submission. Details of waste (spent) battery storage are provided in Section 5.2 and Table 3 of the report. The development includes a dedicated waste battery storage room within each building, with a maximum storage capacity of 650 kg per building. Fire management measures associated with the battery storage areas are detailed in Sections 7.6 and 7.11.1 of the report. These sections outline the design and operational measures proposed to manage fire risks associated with battery storage. Management of contaminated fire-fighting water is specifically addressed in Section 7.6.1 of the report, which details the provision of a 330kL contaminated fire water holding tank to capture, contain and isolate contaminated fire-fighting runoff. It is also noted that replacement batteries are only expected to be delivered periodically as part of maintenance and replacement cycles. The transport of batteries to and from the site will be undertaken by appropriately licensed transport operators and will be subject to all relevant EPA requirements including waste transport licensing, waste tracking obligations, and applicable dangerous goods transport legislation.
NSW EPA (second response)	
1. Noise Impact Assessment	
The EPA reviewed the updated Noise and Vibration Impact Assessment (NVIA) prepared by Acoustic Logic and further information is required to complete our assessment.	
Noise catchment area	

Comment	Response
The EPA reviewed the updated Noise and Vibration Impact Assessment (NIA) prepared by Acoustic Logic and there is inadequate information provided regarding the most affected receiver in each Noise Catchment Area (NCA) for each assessed scenario and it does not identify which receiver is most affected. The EPA requires further information to understand which receiver within each NCA is the most affected for each scenario and the noise levels at that receiver. The EPA recommends the Department of Planning, Housing and Infrastructure (DPHI) requests that the applicant provides further information that tabulates the worst affected receiver and the predicted noise level for each scenario in each NCA.	Section 11.2.4 of the updated NVIA identifies the highest predicted noise level within each Noise Catchment Area for each assessed operational scenario. The updated NVIA also identifies the receiver location within each residential catchment where the highest predicted noise level occurs. Noise contour figures are also provided to show the predicted noise levels across each catchment and support identification of the most affected receiver locations. Refer to Section 11.2.4 of the updated NVIA.
Sleep disturbance	
There is a lack of information regarding the assessment of maximum noise level events for sleep disturbance. In lieu of a maximum noise level assessment being included in the NIA, the minimum L_{Amax} limits applicable under the Noise Policy for Industry (52dB L_{AFmax}) would be applied. The EPA recommends that DPHI requests the applicant to demonstrate and confirm they can comply with the sleep disturbance limits in line with the Noise Policy for Industry.	The NVIA has been updated to address the EPA's recommendation regarding sleep disturbance. A separate maximum noise event assessment was not previously undertaken as the night-time operational noise sources comprise mechanical plant, which operates at a relatively constant noise level and does not generate intermittent maximum noise events. The updated NVIA now assesses full load operating conditions, which represent the highest plant noise emissions scenario. Sections 4.1.3 and 11.1.1.4 of the updated NVIA now provide further discussion of the applicable sleep disturbance trigger levels under the NPfI. The assessment confirms that, where plant noise emissions comply with the applicable intrusive and amenity noise criteria, compliance with the maximum noise event trigger levels is also achieved. Accordingly, the development is predicted to comply with the relevant NPfI sleep disturbance requirements.
Transformer maintenance	
The NVIA has only assessed transformer maintenance activities during Stage 2 operation – scenario 6 – stage 2-day full load-transformer	Transformer maintenance is not expected to be a regular operational activity and would occur only infrequently.

Comment	Response
maintenance and does not include the stage 1 operation scenario for transformer maintenance. The EPA recommends that DPHI confirms with the applicant the transformer maintenance activities and at what stage of operation it will occur. If transformer maintenance is to occur at stage 1 then further information regarding the operational noise modelling will need to be provided and justified.	Where one transformer is offline for maintenance, the electrical load would be redistributed to the remaining transformers. This condition has been considered in the NVIA as part of the operational noise scenarios, including Scenario 6. Refer to Section 4.1.4, Table 12 and Section 11.2.4 of the NVIA. As transformer maintenance is infrequent and does not represent a routine operating condition, it has not been separately assessed for each stage of development. The NVIA provides an assessment of the relevant transformer maintenance condition and demonstrates that operational noise impacts remain acceptable under this scenario.

Onsite emergency diesel generators	
For emergency generator operation, the NIA predicts exceedances of up to 15dB at residential receivers. The EPA understands that this scenario would only occur during emergencies, however no certainty has been provided over the expected frequency of these events. The EPA recommends that DPHI requests the applicant provides information regarding the expected frequency of emergency scenarios including brownouts, load shedding and controlled power outages.	Emergency generator operation would only occur during a grid power outage, which is outside the control of the operator. The expected frequency of such events has been considered with reference to Endeavour Energy SAIDI performance data presented in the latest Distribution Annual Planning Report. As outlined in Section 8.2.1 of the AQIA, the average annual outage duration under normalised conditions is approximately 82 minutes. Relative to the total annual operating period, this represents a low proportion of time during which standby generator operation may be required. In the event that standby generators are required during a grid power outage, those operating hours would be counted toward the annual generator operating hours and would offset routine testing hours where practicable. The standby generators are not proposed to operate for brownouts, load shedding, controlled power outages, grid support or other network services, unless there is a loss of external power supply requiring emergency back-up power.

2. Chemical Storage
The EPA reviewed the Dangerous Goods Compliance Report (Rev. F), SEPP Resilience and Hazards Risk Screening Report (Rev. L), Submissions and Amendment Report and there is inadequate information available for the EPA to complete its assessment.

Comment	Response
Fire Suppression System requirement as per AS 1940.	
The Australian Standard 1940 details fire protection requirements as per clause 11.13 (Fire Protection Requirements – For Above-Ground Tank Storage of Aggregate Capacity 2000 m3 and Greater). The proposed fire suppression system for the site is to be powered by diesel, as listed under Table 7 p. 40 “<i>External Fire Pumphouse</i>” of the <i>Submissions and Amendment Report concerning Amended Fuel Storage Requirements</i>. The EPA recommends that DPHI requests the applicant demonstrate and evaluate how would the proposed fuel suppression system address a diesel fire that powers the same fuel suppression system (in accordance with AS 1940:2017). Contingencies in the event of this scenario should be considered.	The diesel tank supplying the fire pumps will be designed and installed in accordance with AS 1940. The fire pump sets will also comply with AS 2941. The diesel fuel system serving the fire pumps is separate from the diesel storage system serving the standby generators. The fire pumps are supplied by dedicated diesel day tanks and do not rely on the generator fuel storage tanks. Diesel is a combustible liquid and is not readily ignitable without exposure to an external fire source. A diesel fire within the fire pumphouse is therefore considered highly unlikely. Notwithstanding this, appropriate portable fire extinguishers will be provided. As the fire pump fuel system is independent from the generator fuel system, a fire involving the generator fuel storage system would not compromise the fuel supply to the fire pumps. The proposed arrangement therefore provides appropriate separation and redundancy for fire pump operation, and no further contingency measure is considered necessary.
Diesel Tanks	
There is no information regarding the installation orientation of the diesel storage tanks. The EPA recommends that DPHI requests the applicant to provide information regarding the orientation of the diesel tanks and will the tanks be designed to be installed horizontally or vertically.	The diesel storage tanks are rectangular Category 3 belly tanks associated with the standby generators. For the purposes of AS 1940 compliance, the belly tanks are considered to be horizontally oriented tanks. The Dangerous Goods Compliance Report has been prepared on this basis. Accordingly, no further update to the Dangerous Goods Compliance Report is required in relation to tank orientation.
Onsite transport for loading diesel storage tanks	
There is little information provided regarding where the diesel tankers enter and exit the site adequately and safely to fill up the diesel storage tanks.	A Refuelling Vehicle Access Plan has been prepared to address the EPA’s request.

Comment	Response
The EPA requests DPHI recommends that the applicant provides a detailed diagram and information including: - the entry and exits points for filling up the diesel storage tanks - onsite transport route - loading points - provide evidence that the diesel fuel tankers can adequately and safely enter and exit the site.	The plan identifies the proposed refuelling vehicle access arrangements, including site entry and exit movements from Lockwood Road, the internal transport route to the generator gantry, and the proposed parking/loading locations adjacent to the diesel fuel tanks. The plan has been prepared using the largest refuelling vehicle expected to access the site, being a 12.5 m Heavy Rigid Vehicle. The swept path assessment demonstrates that refuelling vehicles can enter and exit the site in a forward direction and safely circulate to the required refuelling locations. It is also noted that the internal site circulation roads have been designed to accommodate larger vehicles, including a 19.0 m articulated vehicle, which provides additional capacity and flexibility for refuelling vehicle access. Refer to the Refuelling Vehicle Access Plan.

Drainage Easement	
There is a lack of information provided regarding the drainage easement in the Dangerous Goods Compliance Report Figure 3 in 7.5.5. The EPA requests DPHI recommends that the applicant provides a detailed diagram and information regarding the drainage easement, where it flows to and its purpose.	The purpose and function of the drainage easement are addressed within the IWMP (and not in the Dangerous Goods Compliance Report). In particular, Figure 5 of the IWMP identifies the drainage easement and its relationship to the site's stormwater management infrastructure. The drainage easement conveys piped flows from the Lockwood Road Council drainage system via a headwall outlet, with flows directed through an open channel and ultimately conveyed to the existing on-site detention basin adjacent to Ropes Creek.

3. Minor Matters for consideration	
Flood Impact Risk Assessment	
The location of the diesel generator gantry in the Flood Impact Risk Assessment indicates a potential flood contour close to the location of the generators (and presumably, chemical storage). In the event of a loss of containment, escaped diesel is likely to follow the same flood contour as a pollution corridor into the neighbouring environment.	The concern raised is based on existing flood contours shown in Figure 4 of the FIRA, which reflect the site's existing topography prior to the implementation of the proposed civil works. The development includes a perimeter retaining wall along the outside edge of the circulation roadway which provides physical protection

Comment

Response

between the flood affected area and the generator and diesel storage areas. The retaining wall has a design crest level of RL 53.30, compared with the assessed 1% AEP and PMF flood levels of RL 51.60 and RL 52.40 respectively. This provides approximately 1.7 metres of freeboard above the 1% AEP flood level, and 0.9 metres of freeboard above the PMF level, consistent with the requirements of the Flood Impact and Risk Assessment: Flood Risk Management Guideline LU01.

Accordingly, floodwaters would not be able to encroach into the site beyond the proposed perimeter retaining wall and would not create a pathway for off-site transport of pollutants from the generator and fuel storage areas.

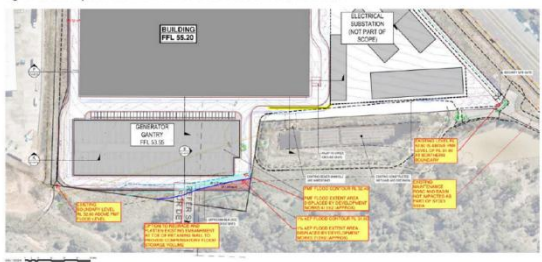
In addition, the diesel storage tanks comprise double-skinned, self-bunded tanks, providing a further level of containment protection in the unlikely event of a fuel release.

Having regard to the proposed flood protection measures and fuel containment systems, no update to the Dangerous Goods Compliance Report is considered necessary in response to this matter.

Proximity of fuel generators to bushland

The Flood Impact Risk Assessment Figure 4 highlights that the diesel generator gantry is in close proximity to natural vegetation. The Australian Standard 1940:2017 Clause 9.2.9 of *The Storage and Handling of Flammable and Combustible Liquids* requires a separation distance between natural vegetation and the storage of diesel which is not evident from the figure below.

Figure 4 Development Works within 1% AEP Flood and PMF Extents



The separation between the diesel storage area and adjoining vegetation has been considered as part of the Dangerous Goods Compliance Report.

AS 1940:2017 does not mandate a specific separation distance between diesel storage and natural vegetation. Nonetheless, a 3-metre separation distance is commonly adopted as a conservative benchmark, having regard to other separation distances nominated within the dangerous goods standards.

The current site layout provides more than 8 metres separation between the generator gantry and adjacent vegetation, with this separation provided by the generator access road. This exceeds the commonly adopted separation distance to vegetation and also exceeds the required separation distance from the generator gantry to protected places.

Comment	Response
	Accordingly, the proposed layout provides an appropriate separation distance between diesel storage areas and natural vegetation, and no update to the Dangerous Goods Compliance Report is considered necessary.
DCCEEW – CPHR Group	
Biodiversity	
The project description provided in the EIS is consistent with the biodiversity development assessment report (BDAR) waiver for this SSD that was granted on 3 September 2025 by CPHR. If the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the proponent will need to lodge a new BDAR waiver request or prepare a BDAR.	Noted.
Flooding	
CPHR advises that the Flood Impact and Risk Assessment (FIRA) is inadequate. A revised FIRA prepared in accordance with the Flood Risk Management Guideline LU01 Flood Impact and Risk Assessment should be submitted.	A meeting was held with MCEF on 17 June 2026 to discuss the post-development flood impact and flood data obtained from Penrith Council. As discussed during this meeting, the post-development scenario addresses flooding concerns due to the following: ▪ A comparison between existing survey levels for the site and PMF levels from the Wianamatta South Creek Catchment Flood Study and Penrith Council Flood Levels Enquiry indicates that the PMF extent does not encroach within the northern extent of development works, as the development intends to match into the existing wetland maintenance access road. ▪ The existing vegetated embankment in the southern corner of the site has the top of embankment above the PMF level. Thus, the PMF extent does not encroach beyond the embankment and constructed wetland, which provides a physical barrier to flood water. ▪ FIRA Figure 4 and Appendix D shows an overlay of the proposed development works in the south eastern portion of the site relative to the existing survey levels and flood extents has been prepared

Comment	Response
	to show that there is minor encroachment of the development into the 1% AEP and PMF extents. The impact to flood storage and flood behaviour would be negligible due to the minimal displacement of floodwater. As discussed, and agreed with MCEF in the meeting, the FIRA has been updated to add further detail to Figure 4 and new Appendix D to provide a higher resolution flood extent sketch to resolve outstanding concerns from CPHR/MCEF.

Public Submissions (6 submissions received)

Six public submissions were received, all of which objected to the proposal. The key issues raised in the submissions are summarised below.

Energy demand, greenhouse gas emissions and climate change

Six submissions raise concerns regarding the energy demand associated with the proposed data centre, its potential contribution to greenhouse gas emissions, reliance on fossil fuel generation, and consistency with the NSW Government's climate objectives. Some submissions request that the development be powered by additional renewable energy and contribute to new energy generation and storage infrastructure.

The Applicant acknowledges these concerns. Energy demand, greenhouse gas emissions and sustainability have been assessed through the EIS and updated Greenhouse Gas Assessment. The proposal targets an annual PUE of approximately 1.3 and a 5 Star NABERS Energy rating, supporting a high level of operational energy efficiency.

The facility will operate using grid electricity during normal operation, with standby diesel generators used only for routine testing and infrequent emergency power supply events. The updated Greenhouse Gas Assessment provides further detail regarding renewable electricity commitments and greenhouse gas reporting and concludes that the proposal is consistent with the applicable planning framework.

Refer to the updated Greenhouse Gas Assessment and Redundancy Capability Assessment Memorandum.

Water consumption and sustainability

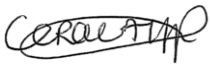
Five submissions raise concerns regarding potable water consumption, potential impacts on Sydney's water supply, drought resilience, and the need to maximise water efficiency and utilise alternative water sources where possible.

Water demand has been minimised through the adoption of air-cooled chiller technology, eliminating the need for industrial or recycled water for cooling. Additional measures include rainwater harvesting and reuse, water-efficient fixtures and other water conservation initiatives. Sydney Water has confirmed that the development can be appropriately serviced, and the Integrated Water Management Plan concludes that the proposal will not result in unacceptable impacts on regional water resources or the existing water supply network.

Comment	Response
Noise, air quality and operational impacts Four submissions raise concerns regarding potential operational noise, air quality impacts associated with standby diesel generators, thermal impacts, pollution, and impacts on surrounding residential areas.	Operational noise, air quality and urban heat have been assessed through the updated Noise and Vibration Impact Assessment, Air Quality Impact Assessment and Urban Heat Island Mitigation Plan. In response to agency comments, the assessments were updated to adopt more conservative assumptions, including a US EPA Tier 2-compliant standby generator and revised operating scenarios. The updated assessments demonstrate compliance with the applicable NSW noise and air quality criteria. Standby generators will operate only for routine testing and infrequent emergency power supply events, while extensive landscaping and urban heat mitigation measures minimise potential heat island effects.
Ecology, land use and site suitability Two submissions express concerns regarding impacts on flora, fauna, habitat, local ecosystems and the suitability of the site for a data centre.	The proposal is located within the Western Sydney Employment Area on land zoned IN1 General Industrial, where data centres are a permissible form of development. Biodiversity and environmental impacts have been assessed through the EIS and supporting technical studies, which conclude that impacts can be appropriately avoided, minimised and managed. The proposal incorporates substantial landscaping and deep soil planting and will comply with applicable biodiversity management and offset requirements.
Property values and residential amenity One submission raises concerns regarding potential impacts on property values and the amenity of nearby residential areas.	Residential amenity has been assessed through detailed visual, noise, air quality, traffic and other environmental assessments, which demonstrate compliance with the relevant assessment criteria and conclude that the proposal will not result in unacceptable impacts on surrounding residential receivers. Potential impacts on property values are not a relevant planning consideration under the <i>Environmental Planning and Assessment Act 1979</i> and have not formed part of the assessment.

We trust the above responses, and the additional supporting information which has been provided, are sufficient for the purposes of progressing this application. Please do not hesitate to contact me should you have any further questions.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C. Croucamp', with a stylized flourish at the end.

Christopher Croucamp
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