

Our reference: P-1052180-B1C0
Contact: Sandra Fagan
Telephone: (02) 4732 7992

22 January 2026

NSW Department of Planning, Housing, and Infrastructure
4 Parramatta Square
12 Darcy Street,
Parramatta, NSW, 2124

Attention: Shaun Williams
Email: shaun.williams@planning.nsw.gov.au

Dear Shaun,

Council Advice on the Environmental Impact Statement for 'STACK SYD01 Data Centre - SSD-82211208 - 78 Lockwood Road Data Centre, Erskine Park, NSW, 2759

Thank you for providing Penrith City Council the opportunity to comment on the subject Environmental Impact Statement (EIS).

Council has reviewed the information referred for comment on 03 December 2025 and provides the following advice for the Department's consideration.

1. Planning Considerations

a) On 06 August 2025, Council staff provided written Pre-lodgement advice (PL25/0044) to the applicant following a meeting on 24 June 2025, in relation to a proposed data centre development at the site.

b) The matters raised for consideration at the pre-lodgement meeting and subsequent letter remain relevant for DPHI's consideration. Those matters and additional comments relating to the current SSD proposal are captured in the response below.

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- c) The development should remain consistent with the preceding SSD Approval for the broader Fitzpatrick Industrial Estate and commitments in executed planning agreements and any restrictions/covenants on title.
- d) The development should demonstrate that there is adequate infrastructure to support and service the proposed use, including any shared stormwater management basins, wetlands, and the like.
- e) The proposal should provide a Water Management Strategy for the site that aligns with the precinct strategy. This should include details of on-lot water reuse and the provision of Gross Pollutant Traps. Council controls seek an 80% target for water reuse. Given the proposed use, the development should strive to get as close to that target as possible.
- f) It is important to provide adequate setbacks from site boundaries to allow for deep soil landscaping that will provide a landscaped visual buffer. The placement of proposed utilities to support the development should be carefully considered and reconciled with the need to retain existing vegetation and provide new landscaping and tree canopy coverage at site edges to assist with urban heat and visual screening.
- g) The proposed spatial planning results in some portions of the setbacks from Lenore Drive and Lockwood Road being less than the required 20m and 15m as per Chapter E6 of the Penrith DCP. This non-compliance, coupled with the non-complying site coverage, proposed building height, and large building footprint should be considered by DPHI in relation to visual impact and landscaping.

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- h) The proposed building height is 26.5m, which significantly exceeds the 15m height control at Chapter E6 of the Penrith DCP. Ultimately, this is a matter for DPHI to consider as the assessing and consent authority. The resulting visual mass of the built form resulting from

the height non-compliance is exacerbated by the large footprint, additional hardstand areas for infrastructure, and non-compliance with landscaped setbacks.

- i) In addition, the proposed height non-compliance should be considered through a comprehensive visual impact assessment and landscape plan. The visual assessment should include viewpoints from nearby residential areas / dwellings, noting the objectives of the DCP height control. The proposed earthworks should limit filling of the site as this will exacerbate the bulk of the building in its visual setting.
- j) Although the building mass is broken into two forms, the central area between the two buildings is occupied by hardstand (access road) and infrastructure. Therefore, there is no opportunity to provide landscaping to break up the building mass. Visual relief from the building mass relies on architectural detailing. If the proposal is supported, the consent authority should ensure that high quality materials, articulation and detailing is retained as the design is refined. This includes the expressed joints and shadow lines in the facade panels; and light colours; and awnings to assist with urban heat. The office components should use different architectural language, particularly given its position which sits proud of the main building and is elevated. The office should be a smaller, lightweight element.
- k) The proponent has previously referred to using 'green concrete' for sustainable design. DPHI should consider and ensure that urban heat and sustainability objectives are met, including the controls in Council's LEP and DCP relating to Urban Heat and sustainability.
- l) The proposed hardstand area accommodating several substations could include lightweight roof structures or coverings to assist with urban heat and shading.
- m) The Proponent indicated that both heavy rigid (19m and 12.5m) and light vehicles will use the same access and manoeuvring areas.

Although this does not comply with Council's controls to separate trucks and cars, DPHI should consider how vehicle access to the property is to be controlled and managed by the operator.

- n) Given the lapse of time between the later Validation Report, dated November 2008, and application lodgement, the Proponent should demonstrate to DPHI's satisfaction that there have been no activities on site (such as earthworks/stockpiling) that may warrant further investigation.

2. City Planning Considerations

- a) Council contributions pursuant to section 7.12 of the Act will apply to the proposed development:
[amendment_1_penrith_s712_contributions_plan_final_-_oct_2021.pdf](#)
- b) The proponent acknowledges in section 4.2 of the EIS that the '*Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development 2020*' applies to this development.
- c) A small correction, but please note that the correct plan that applies is *Amendment 1 Penrith City Section 7.1 Citywide Development Contributions Plan for Non-Residential Development 2021*.
- d) Section 3.2.3 of this contribution plan sets out the requirement for developments with a cost of works over \$750,000 to provide a cost summary report prepared by a quantity surveyor.
- e) The cost summary report must be in accordance with section 208 of the *NSW Environmental Planning and Assessment Regulations 2021*, which sets out items for inclusion and exclusion.
- f) As per 3.2.3 of the contribution plan, the quantity surveyor must be a registered member of the Australian Institute of Quantity Surveyors.

g) The provision of a cost summary report, in accordance with the Regulations, will enable the City Planning team to calculate the development contributions triggered by this proposed development.

3. Development Engineering Considerations

Basin access and restrictions over access

a) There are constructed wetlands to the immediate east of the site, which appear to be retained as part of the subdivision pattern that includes the subject site. It is understood the basin and wetland are private infrastructure that serves the broader industrial estate. Access for the estate is to be provided and retained to the northern and southern ends of the wetlands. There is currently access from the northern basin and additional connectivity has been provided to this existing access location. However, there does not appear to be suitable maintenance access to the southern basin. The Proponent is to ensure that a dedicated and proximate access to the southern end of the southern basin is provided. The Rights of access to allow the associated access are to be created over all access roadways and portions of the site relevant for these purposes.

Stormwater

a) Civil works plans have been noted within the submission that show the network of drainage infrastructure in the proposed roadways. The submission does not include roof drainage plans, associated downpipe details and positions, nor the drainage network connecting all roof drainage to the road drainage system. Indicative positions for rainwater reuse tanks have been shown but are not detailed. There does not appear to be any reticulation drawings showing proposed rainwater reuse supply network to points of usage nor any associated details. Stormwater drainage for the site should be in accordance with the following:

- i. Council's Development Control Plan,

- ii. *Stormwater Drainage Specification for Building Developments* policy, and
- iii. *Water Sensitive Urban Design Policy and Technical Guidelines*.

b) It is recommended that stormwater plan addressing these requirements be submitted with the application.

c) It is recommended any stormwater plan be accompanied by a completed 'Checklist for Stormwater Concept Plans' as per Appendix A of Council's Stormwater Drainage Specification for Building Developments policy.

d) It is recommended that maintenance vehicle parking and operational area be designed around any proposed/existing GPT units.

Flood affectations to site

- a) The site is flood affected by local overland flow flooding from the local catchment. An extract of the local overland flood flows through the western portion of the site is attached. There is an access road proposed around the eastern side of the generator gantry area that is within the 1%AEP flood affected area of the site. There will be associated retaining walls, footing and/or associated batters associated with any works in this area that are not clearly indicated. It is recommended the generator gantry area and associated service roads and the full extent of any battering or retaining structures required be designed clear of the 1% AEP flood extent.
- b) It is recommended the DPHI does not support any works or any filling within any portion of the site affected by the 1% AEP.
- c) An application can be made to Council to obtain Council's current adopted flood extent for the site. A Flood Level Enquiry request is to be made to Council via the Flood Level Information application

form which is available from Council's website at the following address:

<https://www.penrithcity.nsw.gov.au/council/our-organisation/forms?download=797:flood-information-application-form-fy023-24>

- d) It is recommended that the application demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's LEP and DCP Controls for Flood Liable Lands. In this regard, it is recommended the application address all parts of Clause 5.21 Flood Planning of Penrith Local Environmental Plan 2010 and Part C3.5 Flood Planning of Penrith Development Control Plan 2014.
- e) It is recommended the Overland Flow Flood Impact Assessment Report assess and determine flood behaviour and characteristics under future climate change flooding conditions in accordance with Clause 5.21 Flood Planning of Penrith Local Environmental Plan 2010. The following rainfall increases shall be used as a minimum when assessing the various climate change scenarios: 4.9% (High 2030); 9.1% (Low 2090); 13.9% (Medium 2090) and 18.6% (High 2090). The information held by Council is for the existing situation. Addressing these requirements may result in an increase in extent of the future anticipated/modelled 1% AEP extent affecting the subject site. Any design should take this requirement into consideration.

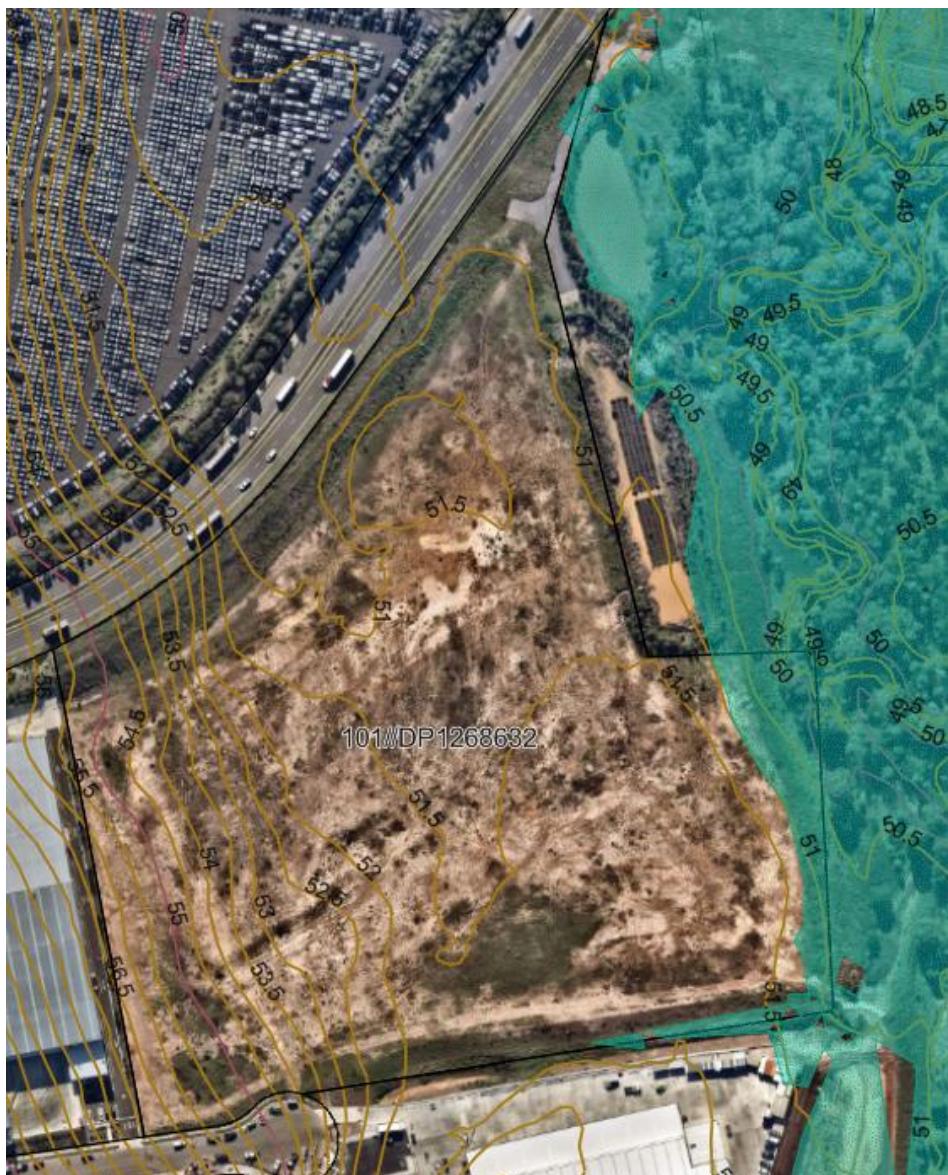
- f) To assist with flood modelling, Council's 2D flood model is available for purchase. A link to the application form is provided below:
<https://www.penrithcity.nsw.gov.au/council/our-organisation/forms?download=798:flood-model-data-application-form-fy023-24>

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- g) Further information regarding Council's Flood Studies is available from Council's website at the following address:
<https://www.penrithcity.nsw.gov.au/services/other-services/floodplain-management>

External Works

a) The driveway crossovers do not appear to be fully shown on the architectural submission. Plans should be shown at a legible scale incorporating all existing and proposed roadway details. The driveway crossings shall be at a minimum of 1m clearance from any public utility service lid, power / light pole or stormwater kerb inlet pit and lintel. The driveway shall also be located a minimum of 2m from any street tree. Utility services may be required to be relocated to accommodate the crossover.



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Image of 1% AEP Flood Extent

4. Traffic Engineering Considerations

- a) Lenore Drive is a State Road under the care and control of TfNSW. Concurrence would be needed for any access during construction stages to/from Lenore Drive.
- b) The Transport Impact Assessment Report and the swept path diagrams provided indicate that a 19m semi-trailer will be the largest vehicle required to enter the site. As such, it is recommended that should approval be granted, the proposal is conditioned so as not to allow vehicles of greater than 19m in length to access the site.
- c) Typically, for safety reasons, it would be expected that heavy vehicle access would be separated from other vehicular access. It is noted that this proposal has shared entry and exit driveways for all vehicles, and that potential conflicts are proposed to be mitigated through the implementation of security arrangements at the entry which will control vehicular movements to one vehicle at a time whilst security clearances are undertaken. Any assessment must confirm that these mitigation measures are adequate.
- d) Any potential for queuing onto the public roadway is of primary concern to Council. The TIA states that in practice, staff vehicles can access through security air locks at a rate of two vehicles per minute or a throughput capacity of 120 vehicles per hour, and the expected am peak arrival is 37 vehicles. The TIA states that the provisions for queued vehicles during the peak inbound movements of the site are considered satisfactory, however it should be demonstrated that there is sufficient area within the site boundary for vehicles queuing to access the proposed security access measures, and queue lengths determined, where numbers of vehicles may arrive for a shift at the same time (i.e. in excess of the stated two vehicles per minute).
- e) The proposed provision of off-street parking is 78 spaces. This is below the warehouse rate for both Council DCP and TfNSW Guide to Transport Impact Assessment. The application points out the

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operational differences between data centres and other types of warehouses as the reason why less parking is required. The actual parking demand for the site must be confirmed to meet the staffing/visitor/servicing requirements for this type of facility in undertaking any assessment, particularly when operating at maximum capacity (including overlap periods at the end/change of shift, if relevant).

- f) It is also critical to determine whether safe pedestrian movements through the site, including the carpark, have been adequately demonstrated as it appears there may be locations on the site where heavy vehicles and pedestrians may be in conflict.
- g) The dimensions of driveways, internal roadways & ramps, car parking spaces, aisles, sight distance and loading areas are not clearly indicated on the plans, therefore it is difficult to ascertain whether these comply with Australian Standards (i.e. AS 2890.1 – 2004 for off-street parking, AS2 890.2- 2002 for heavy vehicles and AS 2890.6-2009 for disabled spaces). The TIA indicates that these are complied with, however this must be confirmed on the plans in any assessment.
- h) The CTMP should be referred to TfNSW for concurrence due to the frontage on Lenore Drive. The CTMP appears to only be preliminary in that it does not include any detailed TGSSs (Traffic Guidance Schemes) for the proposed construction. A complete CTMP must be provided should consent be granted.

5. Environmental Management Considerations

The Department should satisfy themselves that the following aspects are adequately addressed:

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Land Contamination

- a) Chapter 4 of SEPP (Resilience and Hazards) 2021 requires that the consent authority is satisfied in relation to the site's suitability for the proposed use. In turn, DPHI will need to ensure that the site is suitable, or can be made suitable, prior to its use.

b) It is requested that copies of any further contamination-related documentation (such as Remediation Action Plans, Validation Reports and Long-Term Environmental Management Plans, along with any documents prepared by an NSW EPA Accredited Site Auditor endorsing these documents) be provided to Council. These will be recorded on the property file and will be placed as property notations on Section 10.7(5) planning certificates.

Environmental Management

a) Any adverse impacts on surrounding receivers and the environment are to be avoided and mitigated where necessary, in accordance with any relevant planning instrument and the relevant NSW EPA guidelines.

Hazardous Industry

a) DPHI will need to be satisfied that the proposed development is assessed in compliance with Chapter 3 of SEPP (Resilience and Hazards) 2021 and that the assessment is undertaken in accordance with relevant guidelines and standards, such as the Hazardous Industry Planning Advisory Papers.

General Comments

a) DPHI as the assessing authority will undertake a comprehensive review of the EIS, including appended technical reports, assessing environmental health impacts. Upon DPHI being satisfied with the application, Council staff anticipate that any mitigation and monitoring measures contained in the EIS, as put forward in the technical documents (and as refined or modified to satisfy DPHI during the assessment process), will be incorporated into any approval issued by DPHI, ensuring potential environmental impacts can be effectively managed and monitored.

6. Waterways Considerations

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a) The proposed development includes the use of on-lot GPT's and rainwater tanks. 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. Rainwater

reuse is proposed for some uses but is unlikely sufficient to meet all non-potable demands associated with the development.

- b) 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). The water demands for the development are likely to exceed the ability to meet all non-potable demands with harvested rainwater. As such, it may be appropriate to consider how the development could be undertaken to minimise the use of potable water (e.g., consider harvesting stormwater or connect to Sydney Water's recycled water network which is being provided in nearby precincts).
- c) In the case the development proposal is supported by the consent authority, conditions should 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 (they cannot be dedicated to Council). It is suggested that positive covenants and restrictions of use are applied.

If the proposal is given a favourable determination by the consent authority, Council requests that no condition of consent is imposed that requires an Applicant to consult with Council where the need for an assessment of suitability, or a determination of condition compliance, is specifically the responsibility of the consent authority. This is because the SSD policy framework has specifically removed Council from an assessment or determination function and by doing so, all assessment functions must be undertaken by the empowered assessment and consent authority.

The only exception to this request is where consultation relates specifically to the design and location of infrastructure or works that are intended to be dedicated to or transferred into Council's ownership. This also includes the use of public roads for construction vehicles, the need for a CTMP, and any contributions required to be paid to Council.

Should you wish to discuss this matter further, please contact me directly on (02) 4732 7992.

Yours sincerely,

A handwritten signature in black ink, appearing to read "SF".

Sandra Fagan
Principal Planner

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