

17 February 2026

Contact: *Justine Clarke*
Telephone: *0457 535 955*
Our ref: *D2026/8402*

Patrick Copas
Department of Planning, Housing & Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Eastern Creek Data Centre Expansion Project (SSD-21342738-Mod-2) – Modification Application

Dear Mr Copas,

Thank you for your Major Projects Planning Portal referral dated 10 February 2026, requesting WaterNSW's advice in relation to the Modification Application 2 for the Eastern Creek Data Centre Expansion Project (the proposal).

Part of the proposal's southern boundary adjoins the Prospect Special Area, as prescribed under Schedule 1 of the *Water NSW Regulation 2020*. WaterNSW previously provided advice during the public exhibition of the Environmental Impact Statement (our ref: D2022/147511).

We note that Development Consent for the proposal was granted on 1 September 2023 and Modification of Development Consent (Modification 1) granted on 18 September 2025. Consent conditions relevant to the proposal activities that relate to and may impact the boundary with the Prospect Special Area (i.e. fencing) were issued as part of the Development Consent. In reviewing the Modification Application 2 documents, we understand there is no proposed change to the development area that adjoins the Prospect Special Area or fencing along this boundary. As such we request that these consent conditions remain as part a Modification of Development Consent to Modification Application 2, should planning consent be granted.

However, the proposal's overall footprint of the on-site substation has been expanded so that there is reduced setback from the boundary with Prospect Special Area and this increases the risk of the proposal activities encroaching into the Special Area. In order to ensure that all activities of the proposal including temporary, ancillary and permanent works remain within their lands at all times and not cross the boundary with the Prospect Special Area, WaterNSW requests amendments to the Modification Application 2 to increase the building setback between the substation and this boundary to a reasonable extent that enables all proposal activities to occur within the applicant's lands.

WaterNSW requests that the Department continues to notify us of developments that may impact on our land, assets, or infrastructure, using the email address Environmental.Assessments@waternsw.com.au.

If you have any questions regarding this letter, please contact Justine Clarke at justine.clarke@waternsw.com.au.

Yours sincerely,



MINA SUH
Environment and Heritage Manager
Land and Water Operations