

Our reference: P-1116581-B2X8
Contact: Peter Wood
Telephone: (02) 4732 7577

2 April 2026

ATTN: Patrick Copas
Email: patrick.copas@planning.nsw.gov.au

Dear Patrick,

Council Response to Request for Advice on EIS – SSD-92743706 – Mamre Road Data Centre at 706–752 Mamre Road, Kemps Creek

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

This site is not suitable for a proposed development of this scale and Council therefore **objects** to the State Significant Development Application. Following Council's review of the information referred for comment on 05 March 2026, the matters below and at Appendix A are raised for the Department's consideration.

In addition, at its' Ordinary meeting of 23 March 2026, Penrith City Council endorsed a submission to the NSW Parliamentary Inquiry on Data Centres (Appendix 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 recognises that data centres are essential for digital infrastructure, supporting cloud services, government operations, and artificial intelligence. 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, which could increase to 25% of

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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.

To address these challenges, Council recommends a strategic, evidence-based approach to data centre approvals that balances national, state, and local interests. Key recommendations 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.

Of relevance, Recommendation 5 of Council's submission states:

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:

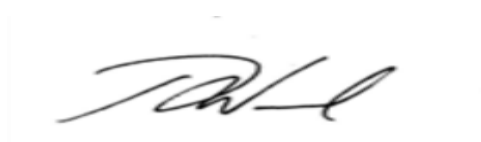
Not consider any further data centre applications until utility servicing (water and power) impacts for NSW in both the short and long term are fully understood, and there is a high level of confidence that utility servicing and growth plans for local communities will not be compromised as a result. The Government should also seek, as far as possible, to require that data centres are self-sufficient with regard to power and water needs.

The current planning framework for the Mamre Road Precinct does not anticipate the scale of the proposed development, particularly in relation to building height and massing. Given that there is a current Parliamentary Inquiry, it would be prudent for the consent authority to consider the outcomes of the inquiry before determining the current or an amended proposal other than by way of refusal.

Penrith City Council is also considering making a separate submission to the NSW Government on the NSW Data Centre Consultation Paper, released on 27 March 2026.

Should you wish to discuss this matter, please contact me on (02) 4732 7577.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Wood', is centered within a light gray rectangular box.

Peter Wood
Head of Development Services

Appendix A – Council Staff Comments to the SSD – EIS

Appendix B – Penrith City Council's Submission to the Parliamentary Inquiry

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Appendix A – Council Staff Comments to the SSD – EIS

1. Development Assessment Considerations

- a) The proposed development does not meet the objectives of the IN1 zone in the SEPP (Industry and Employment) 2021. The IN1 – General Industrial zone in the Mamre Road Precinct has the following relevant objectives:
- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space,
 - To minimise any adverse effect of industry on other land uses,
 - To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.
- b) The current State Significant Development approval for the site (Summit – SSD-30628110) endorsed a Concept Proposal for eight buildings for warehouse and distribution centre uses with a total gross floor area of 244,809 square metres. The nature of this approval, being for warehouse and logistics, is more aligned with the objectives for the Precinct and the broader Western Sydney employment area, including the Aerotropolis.
- c) The proposed data centre campus will result in larger buildings, both footprint and scale, but with less gross floor area (172,640sqm with 54,944 sqm of ancillary office and corridor floor space) and therefore less workforce need and less opportunity for employment uses. The EIS refers to 260 ‘customers and customer staff’ although it is unclear how patrons that are customers can be attributed to staff numbers.
- d) The site is also in a prime location for local employment opportunities given the access arrangements via motorways and proximity to the future airport. The objectives of the ‘IN1 – General Industrial’ zone and of the Mamre Road Precinct Development Control Plan 2021, along with various applicable planning controls (such as within State

Environmental Planning Policy (Industry and Employment) 2021 and the Mamre Road Precinct Development Control Plan 2021), require that development provides for local employment opportunities. However, large scale data centres are known to employ minimal permanent staff on site, in relation to the built form footprint.

- e) The heavy reliance on water and the extensive footprint of the proposed data centre, including required infrastructure, will contribute to the urban heat island effect. This would also be contrary to the zone objectives referenced above. The proposal includes removal of 215 trees. While replacement tree planting is proposed, it will be a long period of time before new trees achieve the growth and canopy spread required to provide shading and contribute to cooling the environment. In addition, the Environmental Health Risk Assessment submitted with the application refers to additional landscaping to help reduce urban heat island effect. However, it is unclear whether the proposed development has or can address this recommendation, particularly given the large site coverage.
- f) Significant adverse impacts to sensitive uses which are located opposite the site in Bakers Lane would result from the development proposed. These uses include schools and seniors living/aged care. Impacts include traffic, noise, long construction period (noting that the EIS refers to a ten-year construction period), air quality and visual appearance.
- g) The proposed development seeks a building height of 40 metres from the proposed filled pad level, and 53.5 metres when measured from the lowest point of the existing ground level. The Mamre Road Precinct Development Control Plan (MRP DCP) has a maximum building height for the Precinct of 20 metres, which represents a suitable building envelope to allow for warehouse and logistics buildings, and a more suitable contextual scale to the area.
- h) The proposed development requires a built form significantly exceeding this. The non-compliance is exacerbated by the need for the large building massing to relate to all proposed buildings on the site. The massing and scale are further exacerbated by the need for

buildings to be interconnected, for additional external infrastructure to occupy hardstand areas around the site, and for the proposed 7m high screens along primary road frontages.

- i) Notwithstanding that the building height control (in metres) is within the MRP DCP, the proposal has not provided sufficient justification on environmental planning grounds to warrant the significant height non-compliance. Other developments within the Mamre Road Precinct have addressed and/or complied with the building height in the MRP DCP. It would also set an undesirable precedent to permit a significant non-compliance for individual applications in the absence of a potential DCP amendment that holistically and strategically considers the broader Precinct.
- j) In addition, the site is one of the highest sites in the Mamre Road Precinct, and the site is in a prominent location with interfaces to Mamre Road and the future Southern Link Road. This site is also identified as having view lines in the Mamre Road Precinct Development Control Plan 2021, as well as an interface to sensitive receivers on Bakers Lane. The proposed building height is not considered to be supportable on the site due to:
 - i. Lack of response to existing topography.
 - ii. The scale of the built form is not considerate to the location of the site in relation to adjoining sensitive receivers and public spaces / roads.
 - iii. Landscaping the site is unlikely to mitigate the impact of the scale of the proposed development.
 - iv. Non-compliance with the 20m building height control, which has not been suitably justified.
 - v. Is not in character with the existing and desired building heights in the Mamre Road Precinct.
- k) The proposed 7m high screens, positioned along the sites two main road frontages is not appropriate. The need for such screening, in that location, shows that the development is not suitable for the site, and that there will be an overall adverse visual impact.

- l) The significant height of the development, in association with the proposed site layout, spatial planning, interconnectedness, extensive external infrastructure, and significant screening, results in a high density of solid forms which does not provide adequate visual relief into, around, and within the site.
- m) Landscaped setbacks, particularly setbacks from public road frontages, should be commensurate with the extent of height non-compliance and massing of the proposed development. The setback controls in the DCP were likely developed in association with the desired height of buildings, being a maximum of 20 metres. Additional height should be accompanied by additional landscaped setbacks. Notwithstanding that the building setback is generous, the areas in front of buildings are occupied by significant infrastructure.
- n) Given the significant non-compliance with height and the extent of external infrastructure, as well as the high screening elements, the proposed tree planting and canopy coverage will not provide the required visual screening of all structures. The use of retaining walls in landscaped setbacks (particularly along the Mamre Road frontage) diminishes the ability to provide desired landscaping. The proposed building forms will continue to rise above the top of the full-growth tree canopy. This does not meet key objectives and controls of State Environmental Planning Policy (Industry and Employment) 2021 and of the Mamre Road Precinct Development Control Plan 2021.
- o) The use of Bakers Lane for construction traffic is not supported as it would have adverse noise, air quality, and safety impacts to the existing sensitive uses in Bakers Lane.
- p) It is understood that vehicular access to the proposed development will only be via the southern portion of the site, from the neighbouring GPT and Aspect sites. The proposal does not include access via the Southern Link Road. Council staff have previously raised and maintain concerns with this approach in relation to increased traffic generation and sole reliance on other access roads within the Mamre Road Precinct.

- q) There are implications with the proposed development not fulfilling the road infrastructure that was expected and approved in the Summit SSD approval, such as not extending the estate road to the north to link with Bakers Lane and future Southern Link Road (SLR). This will add pressure on local Council roads and funnel all vehicles through the Mirvac site. Road access routes and traffic for the broader Mamre Road Precinct was developed based on road connections throughout the Precinct. For the proposed development to not include road infrastructure as envisaged in the Precinct controls and DCP, and as approved in the Summit SSD approval is detrimental to the functionality of the Mamre Road Precinct.
- r) The partial construction of the Southern Link Road and diversion off Bakers Lane is a critical component of the 'Summit at Kemps Creek' development. Variation from this outcome would be difficult to justify in the context of the broader traffic management issues within the Mamre Road Precinct.
- s) Council may not want to accept the proposed underpass which will be located within future public road to be dedicated to Council.

2. Development Engineering Considerations

- a) The 'Water and Stormwater Management Plan' indicates that on-site stormwater detention is required. The proposal must ensure that post-development stormwater runoff from the site does not exceed the pre-development runoff from the site.
- b) Any on-site stormwater detention system and/or water quality system must be within private property and maintained privately.
- c) It is advised to consult with Sydney Water as regional stormwater manager to ensure restrictions on the use of land and positive covenants relating to the stormwater management systems (including any on-site detention, water sensitive urban design, naturalized trunk drainage systems, and the like) are registered on the title of the property.

- d) The site is flood affected by local overland flow flooding from the local catchment. All finished floor levels are to be a minimum of 0.5m above the 1% AEP flood Level (finished floor level shall be above Flood Planning Level).
- e) The proposal includes road works carried out in different phases without any proposed works for the future Southern Link Road (SLR) connection/intersection. The phasing on the civil plans and architectural plans must be consistent. The northern end of the Collector Road (Road 1) near the future intersection of the SLR is proposed to be a temporary cul-de-sac, which could be considered in a temporary scenario. However, the Collector Road (Road 1) should connect to the Southern Link Road as per the Figure 12 of Mamre Road Precinct DCP in the ultimate scenario. It should be ensured that:
 - i. the Collector Road (Road 1) along with the intersection with Southern Link Road are delivered by the applicant or TfNSW as per the MRP DCP, and
 - ii. The proposed temporary cul-de-sac near the SLR intersection is to be constructed with kerb and gutter, stormwater drainage and paths as the timing of the delivery of through road/intersection is unknown at this stage.
- f) Similarly, based on the civil plan, the applicant has proposed to construct the Collector Road (Road 1) roundabout and the East-West Local Industrial Road (Road 2) at/along the GPT boundary in Phase 5. The Collector Road including the roundabout and temporary cul-de-sac near the SLR intersection should be fully constructed, at least at, or by Phase 4 completion. The delivery of the Collector Road including the roundabout should form part of any Offer/VPA with Council.
- g) The development should include clear mechanisms and timing for delivery of the Collector Road, along with the roundabout connection with GPT road works and East-West Local Road (Road 2) as per the MRP DCP requirements.
- h) An underpass is proposed under future Public Collector Road (Road 1) which would require additional information for Council's consideration. It is not clear why an underpass is required noting

there will be a road intersection (roundabout) nearby and vehicular accesses servicing these developments. It is also not clear how this is proposed to be documented on the title (legally), how the underpass will be maintained, and how maintenance responsibilities will be decided.

- i) The draft Construction Traffic Management Plan included in the Transport Report by Ason Group, indicates a temporary construction access from Bakers Lane, which is not acceptable. This has been the case for all other developments due to the proximity to the schools and the current condition of Bakers Lane.
- j) All landscaping on future public road reserves including the Passively Irrigated Street Trees design shall be prepared in consultation with and to the satisfaction of Penrith City Council.

3. Traffic Considerations

- a) The provision of 619 spaces does not satisfy the parking requirement in the MRP DCP. For industries in Mamre Road Precinct, the parking requirement is 1 space per 200sqm of gross floor area or 1 space per 2 employees, whichever is greater. The number of parking spaces required would be 1,186 spaces which includes provision of 48 parking spaces for the café.
- b) The provision of thirty (30) bicycle parking spaces does not comply with the DCP requirement.
- c) The traffic generated by the proposed development has been estimated based on data centres in the established suburbs, which is not supported.
- d) Access to Bakers Lane is not supported.
- e) The proposed temporary construction access off Bakers Lane is not supported, considering the proximity to the schools within the vicinity.

- f) The proposed temporary construction access off Mamre Road will require approval from Transport for NSW.
- g) The purpose of the proposed temporary underpass associated with the proposal should be clarified before Council could consider whether this infrastructure is acceptable given it is located under a future public (Council) road.

4. Environmental Management Considerations

- a) From an Environmental Health perspective, the following aspects of the development are of particular importance:
 - i. Site remediation
 - ii. Noise during construction – particularly as construction is estimated to take 10 years
 - iii. Air quality during construction – particularly as construction is estimated to take 10 years
 - iv. Plant equipment including 728 cooling units
 - v. 846 back up diesel generators
 - vi. 18,086 kilolitres of fuel storage
 - vii. 2,652,000kg of PTU Lithium-ion battery storage
 - viii. One campus electrical substation and six sub-parcel electrical sub stations
 - ix. Operational noise
 - x. Operational air quality
 - xi. 800 staff with parking spaces for 619 cars and 6 motorbikes (with movements over a 24-hour period).
 - xii. Café

Air Quality and Emissions:

- a) The EIS states that regular maintenance and testing of the diesel generators will occur. It goes on to say that “Quarterly testing occurs with generators connected to mobile load banks at each sub-parcel. Only one generator per sub-parcel is tested at any time during daytime hours between 7:00am and 6:00pm. Testing procedures will not exceed the 200-hour exemption limit prescribed under Schedule 1, Clause 17 of the POEO Act.” Schedule 1 of the POEO Act states that internal combustion engines for emergency stand-by plant

operations are exempt from the requirements provided they do not operate for more than 200 hours per year.

- b) The regular maintenance schedule is based on one generator per sub parcel being tested. The sub parcels are set out as per the table below taken from the EIS

TABLE 14: GENERATOR QUANTITIES BY SUB-PARCEL AND LEVEL						
Level	Sub Parcel					
	A	B	C	D	E	F
Level 4	24	24	24	24	30	30
Level 3	29	29	29	29	36	36
Level 2	29	29	29	29	36	36
Level 1	24	24	24	24	30	30
Ground	24	24	24	24	30	30
Total	130	130	130	130	162	162

Total site capacity: 846 generators providing 1,861.2MW backup power (including redundancy).

- c) There is a total of 30 sub-parcels, meaning that a minimum of 30 generators will be tested each quarter. Based on this, there are 120 instances of generators being tested over a 12-month period. No information has been provided on how long each generator is tested for; however, they have determined that they will be tested during the daytime, between 7am and 6pm. More information should be obtained as to how long each diesel-powered generator is operated for during each test.
- d) In addition, no maintenance schedule has been provided; therefore, it is possible that the generators will be tested more frequently. The question is raised regarding this lack of information: could the length of the testing, coupled with more frequent testing, result in the facility being subject to Schedule 1 Clause 17 of the POEO Act? More information should be obtained by the consent authority prior to determination. It is understood that backup generators are likely to require testing more frequently, with all generators needing to be tested (not just one per bank) to meet customer needs and confidence in the facility.
- e) In addition, given that this proposal is within Western Sydney with electricity supply under pressure, particularly during the summer

months with system overload and storm damage, it is likely that the backup power system will be utilised more than the 120 instances of testing over a 12-month period.

- f) The Air Quality Impact Assessment – Main report prepared by Northstar dated 11 December 2025 (Ref: 26.1012.FRIV3) has modelled a total of 26 scenarios to assess the potential impacts of the proposed data centre throughout the construction and operation stages.
- g) During the construction predicted PM10 exceedances may occur at “several” receptors particularly on days with elevated background concentrations. No exceedances of PM2.5 or TSP are anticipated by the consultant during construction. The consultant recommends the development of a detailed construction Air Quality Management Plan with a Trigger Action Response Plan. They also recommend that real time monitoring occur.
- h) The report has found that air quality will be compliant during all operational phases of the development, and no mitigation measures are required. They do, however, go on to say that “in the highly unlikely circumstance when a power outage may be experienced, there exists the potential for elevated concentrations of air pollutants to be experienced. However, an assessment of probability indicates that the coincidence of the potential for an exceedance of air quality criteria to occur, along with a power outage, is minimal (maximum once every 10 000 to 11 000 years)”.
- i) Proposed construction mitigation measures include:
 - i. Water application
 - ii. Vehicle speed limits on the site
 - iii. “Careful handling of materials”
 - iv. An air quality monitoring program at receptors
 - v. Trigger Action Response Plan.
- j) No real engineered solutions have been provided, and mitigation measures are mainly based on human behaviours. This could lead to more instances of non-compliances should the human behaviours not be followed. There has also been no outline as to how this human

behaviour mitigation measures will be implemented or communicated to all staff on site. Human behavioural mitigation measures may often lead to non-compliances being experienced by nearby sensitive receivers.

- k) A Construction Air Quality Management Plan prepared by Northstar dated 11 December 2025 (Ref: 26.1012.FR3V3) accompanies the application. Whilst this could be acceptable at this stage, it is recommended that it is reviewed periodically to ensure that all issues are captured and mitigation measures provided.

Noise:

- a) The Noise and Vibration Impact Assessment prepared by Renzo Tonin and Associates dated 12 December 2025 (Ref: TP886-01F05) Mamre Road Data Centre Campus SSDA NVIA (r6).docx has stated that for cumulative noise "Given the extended timeframe over which the Proposal will be developed and the long period over which the MRP is likely to be fully developed (15-20 years considering current rates) it would not be reasonable or appropriate to assess the fully developed Proposal based on the noise environment that existed prior to the commencement of the MRP's development." Council disagrees with this statement and holds the position that noise modelling and forecasting can occur in order to set limits at this stage.
- b) A 7-metre-high acoustic screen is required on the western and northern boundary of the site in order to achieve acoustic compliance. Concerns relating to the height and visual appearance of the proposed acoustic screen have been discussed above. If the screen is not supported on visual and planning grounds, this would in turn compromise the acoustic compliance. Should this scenario eventuate, further acoustic investigations would be required.

Diesel Fuel Storage and Lithium Ion Battery Storage

- a) The Preliminary Risk Screening prepared by Core Engineering Group dated 9 December 2025 (Ref: F202757_PRS_03) has found that both diesel storage and Lithium-ion battery quantities will exceed the WorkCover NSW notification and manifest threshold and the Work

Health and Safety Regulations threshold quantities of Part 7.1. Regulatory requirements are, therefore, triggered for:

- i. WorkCover NSW notification (now Safe Work NSW)
- ii. A dangerous goods manifest
- iii. Safety Data Sheets (SDS)
- iv. Appropriate cleanup equipment be kept onsite
- v. An Emergency Response Plan (ERP) is to be produced for the site

- b) The Preliminary Risk Screening prepared by Core Engineering Group dated 9 December 2025 (Ref: F202757_PRS_03) goes on to state that the site will comply with; the FM Global Property Loss Prevention Data Sheet 5-32 – Data Centres and Related Facilities; AS/NZS 4681 – Storage and handling of Class 9 (miscellaneous) dangerous goods and articles; AS IEC 62619 – Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications; and AS 1940 – Storage and handling of flammable and combustible liquids.
- c) The report concludes that “it is considered that the proposed development with suitable engineering and design controls in place, would not be considered to be an offensive or hazardous development on site.” No detail has been provided as to how this will be achieved. Further scrutiny should occur by DPHI as to how the premises will achieve this in practice.
- d) The fuel storage is enough to run each generator for 26 hours; however, diesel refuelling can occur in times of extended power outages. This requires fuel storage of 18,086 kilolitres of fuel storage. It is likely that an Environmental Protection License (EPL) will be required by the Environmental Protection Authority (EPA). The application should be referred to the EPA for comment.
- e) In addition, more detail should be required in relation to pollution management. No detail has been provided for bunding, stormwater protection, fuel transfer or the like. An Environmental Management

Plan should be prepared for the storage of and transfer of fuel to ensure environmental protection.

- f) In relation to the Lithium-ion batteries, this matter should also be forwarded to NSW Fire and Rescue for consideration and comment.

Heat Emissions and Microclimate Effects:

- a) An Environmental Health Risk (EHRA) & Health Impact Assessment (HIA) prepared by E-LAB Consulting dated 12 December 2025 (Ref: P02638 Revision 04) has been provided. The EHRA & HIA has assessed the risk from various Environmental Health related issues which have also been explored in this document; however, it also has assessed heat emissions and microclimate issues. The report established that "The limited presence of water bodies or green infrastructure further restricts local microclimatic moderation. Overall, the baseline microclimate of the Mamre Road site reflects a heat-prone environment with limited natural mitigation capacity."
- b) The Urban Heat Island Effect (UHIE) is where urbanised areas experience higher ambient temperatures than surrounding rural or vegetated areas. This heat retention and then slow release can cause an increase in temperature at night. Analysis has been undertaken and shows that there will be no increase in maximum day time temperature, however, there is predicted to be a consistent increase in nighttime temperature. No information has been provided as to what the increase in nighttime temperature is, or how many days the increased temperatures will be experienced for over a 12-month period. In addition, no information has been provided on the potential health impacts this increase in temperature will cause, particularly should sleep deprivation be a result. This is inadequate and further information and scrutiny should occur.
- c) Due to the above, the EHRA & HIA has recommended mitigation strategies such as increased vegetation, highly reflective roofs and shaded areas. No indication has been provided as to how or if these recommendations will be implemented.

Cooling Methods:

- a) The proposal is for 728 cooling units to be installed at the premises. This is a decrease from 936 cooling units proposed with the SEARs. According to the EIS, air cooled chillers are the preferred method of cooling for the proposal, however, water cooled chillers with heat rejection via Hybrid Dry Coolers have been considered as a viable alternative. More information is required as to whether this system is an open or closed-circuit system and advice is to be provided detailing any risks and treatments for legionella. It is noted that an air-cooled chiller method or a closed-circuit heat rejection system will have less legionella risk.
- b) Whilst it does not seem to be proposed, Council would like to make it clear that an open circuit cooling tower system is not supported for this site. This is due to:
- i. the location of the site being adjacent to an aged care facility and several schools. The aged care facility permanently houses a population that is vulnerable to contracting legionella and having a high mortality rate once they have contracted it,
 - ii. the number of cooling systems required which would need to be regularly maintained by contractors (cost and labour), and
 - iii. the impost on the number of regulatory inspections that would be required to be undertaken by Council and/or other public authorities.

Contamination:

- a) A Detailed Site Investigation prepared by JBS&G dated 1 December 2025 (Ref:70548 | 170,476 - Revision 0) and Remedial Action Plan prepared by JBS&G dated 1 December 2025 (Ref: 70548|170,775 - Revision 0) have been submitted as part of this SSD. The Detailed Site Investigation (DSI) was required as previous studies identified potential areas of concern (AEC) and contaminants of potential concern (COPC) due to the current and historical land uses. The DSI was required to assess the potential for contamination as well as to

determine whether the site can be made suitable for the proposed development.

- b) The DSI had limitations as part of Lot 180 and part of Lot 40 were inaccessible at the time of the investigation. The results from the accessible areas were found that COPC concentrations were below the adopted human health criteria, except for isolated asbestos impacts.
- c) Asbestos was identified within the residential area and stockpiled material in the central south of the site. Bonded ACM was identified at 13 sample locations. Building materials were identified at the site surface surrounding up-gradient retention pond embankments. Anthropogenic wastes were identified to be co-mingled with asbestos impacted materials.
- d) TRH and hydrocarbon impacts exceeding the adopted Management Limits and Ecological Screening Levels were found under a "petroleum style drum" which requires remediation.
- e) Surface water (dam) samples contained heavy metals exceeding the adopted ecological criteria and PFOS was detected in one water sample exceeding the 99% ecological screening criteria. The dams are proposed to be de-watered. Should the water be discharged off-site, treatment in accordance with the Protection of the Environment Operations (POEO) Act 1997 will be required.
- f) The DSI found that the site can be made suitable and a Remedial Action Plan (RAP) was developed. The RAP prepared a Conceptual Site Model. This included the extent of contamination, potential date and transport of contaminants, potential receptors for site contamination and potentially complete exposure pathways. Whilst the RAP is acceptable and an outline has been developed for a Validation Plan; no validation assessment has been undertaken. In addition, there were still some areas of the site that were inaccessible and, therefore, have not been assessed. The Department must be satisfied that all contamination on site has been identified and that validation can be provided. In addition to this, a cap and contain method has been

proposed for some contaminants. The Department must be satisfied that this is an acceptable method of managing contaminants on this site. Council will not accept a cap and contain method that includes any areas intended to be dedicated to Council (such as future public road).

5. Waterways Considerations

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. Several technical reports have been prepared in response to the waterway health requirements associated with the development.

Sydney Water are the drainage authority for the precinct, and they have trunk drainage identified on part of the land to be developed. This will need to be considered and consultation with Sydney Water will be required. The stormwater will ultimately be treated in the regional stormwater management scheme once available for connection. It is noted that interim arrangements and leaving part of the site undeveloped will be required to manage stormwater and comply with the DCP requirements until the regional stormwater scheme can be relied upon. It is also noted that there are permeable area requirements and GPTs that are required to be maintained on-lot by the developer as part of the scheme.

The Department should consider the following:

- a) A review of the Stormwater Strategy to ensure that the waterway health objectives can be achieved for both the construction and operational phases of the development. Plans should be prepared in accordance with the Technical guidance for achieving Wianamatta–South Creek stormwater management targets and as per Sydney Water Stormwater Scheme Plan.
- b) Details of how the proposed stormwater management systems will connect to Sydney Water’s regional stormwater system once

available (including how any interim measures will be decommissioned).

- c) It is noted in the stormwater report that the ultimate stormwater management strategy that will service the site has been developed on the assumption that the Sydney Water Stormwater Scheme Plan will be amended to drain the entirety of the site towards Mamre Road. Confirmation that Sydney Water are supportive of the approach and designs of stormwater management infrastructure will be required. This approach is different to the current SSP which has part of the site draining to the north (to Basin 23).
- d) Some naturalised trunk drainage is required as part of the Stormwater Scheme Plan and the design of this will need to be in accordance with Sydney Water's requirements.
- e) An Erosion and Sediment Control Plan is required. This should be prepared in accordance with the requirements outlined in Section 2.4 of the Mamre Road Precinct DCP and associated technical guidelines. We suggest that Type A or B Basins (with automatic flocculation) be adopted as per the technical guidance for the precinct.
- f) In relation to water use, the development will require significant volumes of water as part of the cooling systems. The Department should ensure that the use of potable water is minimised. All non-potable demands associated with the development should be serviced with harvested stormwater and recycled water. The interim arrangement should also be provided until such time as the precinct stormwater and recycled water schemes are in place. The DCP requires that a minimum of 80% non-potable demands to be serviced by harvested rainwater through allotment rainwater tanks in the absence of the regional stormwater scheme.
- g) Any on-lot GPT's and associated infrastructure (e.g., permeable paving, trunk drainage and OSD etc.,) will be the responsibility of the developer / property owners to maintain (i.e., they cannot be dedicated to Council). A Positive Covenant and Restriction of Use

could be used, and it should nominate Sydney Water as the benefiting agency (as the stormwater authority for the precinct).

6. Biodiversity Considerations

- a) Council could not locate a Dam Dewatering Plan. As stated in comments provided pertaining to an SSD proposed for this site in April 2024, the development will result in decommissioning three large dams. The Dam Decommissioning plan is to include details of how aquatic fauna will be rescued and relocated. The plan will need to identify suitable locations for the fauna to be relocated to. It will be important to note that due to the development in the local area no relocation sites should be located on land that is certified – urban capable due to the high likelihood the aquatic waterbodies in these areas are likely to be impacted by current proposed development or future development.
- b) If locations are located on private land, written confirmation from the landowner should be obtained. As there are several developments in the Precinct, the consent authority should consider the relocation location and ensure it is not one that is proposed as a location for other development and if so will need to consider what implications this will have on the biodiversity that may be present in the aquatic ecosystem and ensure there is enough resources to accommodate relocated aquatic fauna.
- c) In respect to the proposed development and supporting documents it is understood that the proposed development seeks approval to clear all existing vegetation and farm dam decommissioning.
- d) Portion of the land is located on excluded land, and the remaining land is identified on Certified – Urban capable land under the Cumberland Plain Conservation Plan.
- e) I provide the following comments in relation to the documentation and proposed development that should be further considered by the department prior to granting consent to the development.

- f) Based on the proposed development there is no potential for a VMP to be implemented as no native vegetation will be retained.
- g) There is an area that is mapped as non-native vegetation in Figure 5, however the aerial imagery from NearMap and Google Street view show that there are some native trees near the exotic trees. The consent authority should either request more information about this section or undertaken an inspection to validate this area to ensure the area of Cumberland Plain Woodland has been calculated correctly. This is marked in the area on the screen shot below.



- h) The BDAR refers to targeted surveys that have been undertaken by Cumberland Ecology. It should be clarified if this refers to the Cumberland Ecology report dated 20 September 2022. It is recommended that the department is provided with a copy of this report to cross reference the survey effort documented in the BDAR prepared by Biosis.
- i) The Department should check the currency of information and adequacy of the assessment. The date of the BDAR is 2 February 2026

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however it should be noted that the date the BAM-C was finalised was 16 January 2026. This was two weeks prior to the report being finalised.

- j) It is noted that the impacts that are to occur that is located on excluded land is located within an area identified for a major transport corridor and therefore opportunities to avoid and minimise is further difficult. It is recommended (if the application is approved) as the entity that will be impacted is a critically endangered ecological community and an entity that is at risk of serious and irreversible impacts that the minister considers additional requirements and conditions that the offsets are required to be obtained within the Penrith LGA to ensure that the biodiversity values in the Penrith LGA are improved where the impacts cannot be avoided or minimised.
- k) The proposed development proposes to remove all trees across the site and also includes impacts on neighbouring trees to the east. Impacts to third party property is strongly discouraged. If these trees have already been proposed for removal under an already approved application, that could be considered but if it has not, then the development should be redesigned.
- l) The It is my recommendation that the development should be redesigned to consider the objectives under Section 4.2.2 Building Setbacks and Section 4.2.3 Landscaping (Point 1 and 5) of the Mamre Road DCP. The development should be designed to retain existing trees where possible. Retaining existing trees can assist with achieving required canopy targets and can reduce costs in landscaping and maintenance of planting more trees as well as reduce the urban heat island effect.
- m) No consideration of trees along rear setbacks appears to have been given any regard.
- n) It is also recommended that if the application is approved, the woody timber that is salvaged should be reused for conservation purposes. Organisations such as NSW National Parks & Wildlife Service, Landcare NSW or Local Land Service should be contacted to determine if they

would want the timber for habitat supplementation in restoration projects such as at the Orchard Hills Defence site.

- o) It is also recommended a Fauna Management Plan would be required to be prepared which will outline how impacts to terrestrial fauna will be managed during vegetation clearing. The plan should identify locations of where rescued/ salvaged fauna will be relocated to (all locations should not be located on certified – urban capable land) and should have written approval from the landowner to allow fauna to be released on site. There is a strong likelihood that the development is used as grazing habitat for the Eastern Grey Kangaroos. The management plan is to also include how resident mobs of Kangaroos that may be present on the site at the time of clearing will be managed. This will be integral as depending on timing of when clearing commences Kangaroos may become isolated on the site and as there is fencing along the northern side of Bakers Lane they will not be able to disperse onto land to the north and if surrounding land starts to develop then the Kangaroos may not have safe passage to disperse to other habitats.
- p) Based on BioNet results, there are microbat records for three different threatened microbat species present (Southern Myotis, Eastern Coastal Free-tailed Bat and Greater Broad-nosed Bat). The fauna management plan should also include details of nocturnal stag watching to determine which trees may contain roosting microbats prior to clearing and methodology of how trees are to be removed to minimise the impact of tree felling on microbats.
- q) Based on BioNet results there are microbat records for three difference threatened microbat species present (Southern Myotis, Eastern Coastal Free-tailed Bat and Greater Broad-nosed Bat). The fauna management plan should also include details of nocturnal stag watching to determine which trees may contain roosting microbats prior to clearing and methodology of how trees are to be removed to minimise the impact of tree felling on microbats.

Appendix B – Penrith City Council Submission to the Parliamentary Inquiry

Penrith City Council Submission:

NSW Parliamentary Inquiry into Data Centres

March 2026

Penrith City Council welcomes the opportunity to make a submission to the NSW Parliament Public Accountability and Works Committee's Inquiry into data centres.

Sydney leads the way in data centre supply in Australia, with 88 data centres which accounts for over a third of all data centres nationally and over 60% of the national total data centre capacity.¹ Further data centre development is forecast to expand significantly, concentrated in Western Sydney.¹ Penrith is at the heart of Western Sydney and at the time of writing, within the LGA has three data centres operational, one under construction and two data centre applications lodged under a state significant development pathway.

Council acknowledges data centres are critical digital infrastructure underpinning cloud services, government and business continuity, and the growth of artificial intelligence. The rapid rise in supply and demand, together with the significant operational demands of data centres, requires thoughtful strategic planning and policy settings to ensure decision making accounts for national and local interests, considers economic, environmental, social and land use impacts and trade-offs, as well as the sustainable future growth of the sector.

In the Western Sydney context, there are specific challenges that will be exacerbated if data centres are not carefully considered and planned with a precinct level perspective.

Understanding the potential impacts from data centre development on availability and capacity of water and energy services is critical.

Data centres are among the most resource intensive forms of development. Oxford Economics estimates that in Australia data centres consumed 3.9 TWh of electricity in FY25, equivalent to around 2% of National Electricity Market (NEM) grid-supplied electricity. Under a high-growth scenario, consumption is forecast to reach 12.0 TWh by FY30 (around 6% of NEM grid-supplied electricity) and 34.5 TWh by FY50 (around 12%).² This growth in energy demands has practical local consequences: increased pressure on network capacity, higher cumulative impacts where facilities cluster, and potentially greater reliance on backup supplies through network overloads.

¹ Committee for Sydney, State of the City 2026: A Bold City (report prepared by BDO, February 2026) & <https://sydney.org.au/wp-content/uploads/2026/02/State-of-the-City-2026-A-Bold-City.pdf> (accessed 20 February 2026).

² Oxford Economics Australia, Data Centre Energy Demand: Final Report (prepared for the Australian Energy Market Operator (AEMO), July 2025) 3, 14.

Water demand is also a critical planning consideration. Currently all 88 data centres in Sydney draw from the public drinking water supply.¹ Sydney's data centres currently use around 3.5 billion litres of Sydney's drinking water supply each year which is less than 1% of total demand. Sydney Water have estimated this could rise to 25% by 2035 under a high growth scenario.³

Add to this, Western Sydney is the hottest part of Sydney. In December 2025, Penrith recorded 55% of the month with temperatures over 30 degrees (3 days over 40 degrees). January 2026 recorded 48% of the month over 30 degrees, with the highest temperature recorded on 4 January at 48.9 degrees. With an increasingly hotter environment in Western Sydney, data centres located here will draw on even more additional energy and water resourcing for cooling purposes.

Alongside the expected increasing interest in land within Western Sydney for data centres, there is also high expectation for Western Sydney to be the economic driver of the State and deliver substantial new housing and jobs. Land cannot be unlocked for housing and employment if it cannot be serviced with water and energy. A well informed and strategic approach for data centres is required to ensure a sustainable future where energy and water demands are balanced and do not compromise and come at the cost of progressing the state's overall housing and jobs growth.

An understanding of the potential local health and economic impacts for local communities arising from data centres is also key, particularly noise and air pollution effects and the number of permanent local jobs generated from data centres once operational.

Penrith, and Western Sydney, has a growing population and in order to support liveable thriving communities we must plan for increased housing supply together with jobs close to home. Penrith has approximately 2,700 hectares of zoned and undeveloped employment lands and a jobs target of an additional 23,000 jobs over the 2023 – 2031 time period. It is important to fully understand the number of permanent jobs likely to be created by data centre developments in relation to their building footprint. Planning and approval decisions must consider what local communities receive by way of economic benefits or trade-offs, including the impact of less intensive jobs generating industries. This is particularly important where clustering of data centres is likely to occur and displace the diversity of other employment and land uses.

¹ Rhianon Shine and Emily Jane Smith, 'Data centres are vital for the future and AI but their environmental footprint can be a problem', ABC News (27 August 2025) (reporting Sydney Water estimates) <https://www.abc.net.au/news/2025-08-27/ai-to-take-up-one-quarter-of-sydney-water-in-a-decade/105700026> (accessed 20 February 2026).

Equally important is the consideration of potential health impacts that may arise from data centre operations. Data centres rely on diesel generators as backup power supply. It is important that government understands the potential health impacts that could arise from ongoing maintenance and use of back up diesel generators that create noise and air pollution impacts for both employees and the surrounding community.

Recommendations:

With data centre supply and demand growing rapidly, there is clear need for a strategic long-term approach to data centre approvals that is evidence-based and transparently balances national and state interests with local place-based impacts. Council recommends that strategic planning, policy settings and approval processes for data centres in NSW are informed by and take into account the following:

1. **Strategic assessment of:**
 - **Suitability of location** – ideally should be located where water and power services are available or planned and where other important land uses and development are not compromised as a result
 - **Local place-based impacts** – including potential strain on energy grids, water supply and ecosystems effects, noise and air pollution health related impacts for employees and surrounding community, land use trade-offs, clustering issues and impacts on local jobs numbers.
2. **Meaningful community engagement** – to ensure an understanding and due consideration of opportunities and risks from the community stakeholder perspective, and to inform preparation of appropriate mitigation measures.
3. **Robust and transparent public reporting** – to ensure ongoing public reporting that enables the monitoring of environmental and social impact and sustainable practices.
4. **That councils have a central role in informing decision-making** – Councils should have the opportunity for input into decision-making around data centres within their local government area, to ensure site specific strategic opportunities are well understood and considered and that outcomes balance national and state interest with community needs.

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:

5. **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.**

For more information contact:

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