



Scoping Report

Kurri Kurri Data Centre

Hart Road, Loxford (Lot 4 DP 1314331)

16 June 2026

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Acronyms and Abbreviations

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
Applicant	SKM Planning Pty Ltd
AQIA	Air Quality Impact Assessment
ARI	Average Recurrence Interval
ASC NEPM	National Environment Protection (Assessment of Site Contamination) Measure 1999
ASS	Acid Sulfate Soils
BAM	Biodiversity Assessment Method
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
BC Regulation	Biodiversity Conservation Regulation 2017
B&C SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021
BDAR	Biodiversity Development Assessment Report
CAA	Controlled Activity Approval
CBD	Central Business District
CDC	Complying Development Certificate
CDCP	Cessnock Development Control Plan 2010
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
CLEP	Cessnock Local Environmental Plan 2011
CLSPS	Cessnock Local Strategic Planning Statement
Council	Cessnock City Council
CWS	Capped Waste Stockpile
DA	Development Application
DCCEEW	Department of Climate Change, Energy, the Environment and Water (Commonwealth)
Department	Department of Planning, Housing and Infrastructure (DPHI)
Development	The proposed development described in this Scoping Report
DP	Deposited Plan
DPHI	Department of Planning, Housing and Infrastructure

Abbreviation	Definition
EC SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
EDC	Estimated Development Cost
EEC	Endangered Ecological Community
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FIA	Flood Impact Assessment
FPA	Flood Planning Area
FRNSW	Fire and Rescue NSW
FSR	Floor Space Ratio
GFA	Gross Floor Area
Ha	hectare
HAKK	Hydro Aluminium Kurri Kurri Pty Ltd
HPC	Housing and Productivity Contribution
HRP	Hunter Regional Plan 2041
LEP	Local Environmental Plan
LGA	Local Government Area
Li-ion	Lithium-ion
Minister	Minister for Planning and Public Spaces
MNES	Matters of National Environmental Significance
MW	megawatts
NABERS	National Australian Built Environment Rating System
NBN	National Broadband Network
NDA	Net Developable Area
NEM	National Electricity Market
NEPM	National Environment Protection Measure
NRAR	Natural Resources Access Regulator
NSW	New South Wales
NVIA	Noise and Vibration Impact Assessment
Owners	McCloy Loxford Land Pty Ltd, Dowmere Pty Ltd and Hydro Aluminium Kurri Kurri Pty Ltd
PAHs	Polycyclic Aromatic Hydrocarbons
PBP	Planning for Bush Fire Protection 2019

Abbreviation	Definition
PCBs	Polychlorinated Biphenyls
PHA	Preliminary Hazards Analysis
Planning Secretary	The Planning Secretary of DPHI
PMF	Probable Maximum Flood
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PP	Planning Proposal
PTU	Power Transfer Unit
PUE	Power Usage Effectiveness
Regulation	Environmental Planning and Assessment Regulation
RFS	NSW Rural Fire Service
R&H SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021
SAR	Site Audit Report
SAS	Site Audit Statement
SBU	Short Break Unit
SEARs	Planning Secretary's Environmental Assessment Requirements
SEED	Sharing and Enabling Environmental Data (NSW environmental data portal)
SEPP	State Environmental Planning Policy
SIC	State Infrastructure Contribution
SPL	Spent Pot Lining
SRD SEPP	State Environmental Planning Policy (Planning Systems) 2021
SSD	State significant development
SSDA	State significant development application
SSI	State Significant Infrastructure
TAC	Tomago Aluminium Company ("TAC sheds")
TAFE	Technical and Further Education
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
T&I SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021
UPS	Uninterruptible Power Supply
URA	Urban Release Area
VIA	Visual Impact Assessment
VPA	Voluntary Planning Agreement
WAMC	Waste Assets Management Corporation
WM Act	Water Management Act 2000
WSUD	Water Sensitive Urban Design
WUE	Water Usage Effectiveness

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1 Executive Summary

Overview

This Scoping Report has been prepared by SKM Planning Pty Ltd to request project-specific Secretary's Environmental Assessment Requirements (SEARs) from the NSW Department of Planning, Housing and Infrastructure (DPHI) for the construction and operation of a data centre facility on Hart Road in Loxford, located within the former Hydro Aluminium Kurri Kurri Smelter site in the Hunter Region of New South Wales.

The proposed development constitutes State Significant Development (SSD) under Clause 25 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, as the data centre will have a total power consumption exceeding 15 megawatts. Accordingly, the development must be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* and must be accompanied by an Environmental Impact Statement (EIS) prepared in accordance with the SEARs issued by DPHI.

Site and Location

The site is located on Hart Road, Loxford, within the City of Cessnock Local Government Area, approximately 167 kilometres north of the Sydney CBD and 37 kilometres northwest of the Newcastle CBD. The site comprises a single parcel of land (Lot 4 DP 1314331) with a total area of 20.91 hectares.

The site forms part of the former Hydro Aluminium Kurri Kurri Smelter landholdings, which, at its peak, were among Australia's most significant heavy industrial operations and ceased hot metal production in September 2012, with the site formally closed in May 2014. Subsequent to closure, the site has undergone comprehensive decommissioning, demolition, and remediation under a State Significant Development (SSD) approval (SSD 6666). Remediation works have been substantially completed, and a Site Audit Statement has been issued confirming the site is suitable for commercial and industrial use.

The site was rezoned to E4 General Industrial under an amendment to the Cessnock Local Environmental Plan 2011 in December 2022, following the completion of Planning Proposal PP-2021-477, which identified the former smelter footprint and surrounding lands for employment and industrial purposes. The site is predominantly level, largely cleared of native vegetation, and benefits from existing heavy infrastructure, including access to a 132 kV AusGrid transmission line (without the need for long lead-in infrastructure).

Proposed Development

The proposal involves the construction and operation of a large-scale data centre facility on the site. Key features of the proposed development include:

- A two-storey data centre building designed in accordance with industry best practice and sympathetic to the existing and emerging industrial character of the precinct.
- A total power consumption of 540 MW triggering the SSD classification threshold under the Planning Systems SEPP.
- Dry air chiller technology for data hall cooling, which eliminates the water consumption associated with conventional evaporative cooling systems.
- Power Transfer Units (PTUs) to support a consistent and uninterrupted power supply, in lieu of conventional diesel backup generators, delivering a materially reduced air quality impact profile and improved operational sustainability.
- Two new onsite substations and a dual overhead connection to the existing 132 kV AusGrid transmission line at the southwestern boundary of the site.
- Site access via Hart Road, which connects to the broader regional road network through the Hunter Expressway (M15).

Planning and Strategic Context

The proposed development is consistent with the applicable statutory and strategic planning framework at both state and local levels. The development is permissible with consent within the E4 General Industrial zone under the Cessnock Local Environmental Plan 2011, and the proposal is compatible with the zone objectives. The site is not subject to a maximum building height or floor space ratio.

The proposal aligns with the Hunter Regional Plan 2041, which identifies the former Hydro landholdings as a Regionally Significant Growth Area and supports the diversification of the Hunter's industrial base toward high-value technology and digital infrastructure uses.

A staged approval pathway is proposed, comprising an initial Complying Development Certificate (CDC) for early works, including earthworks, construction of the main industrial building, parking, landscaping and one of the substations, followed by the proposed SSDA for the internal fit-out and balance of the development.

Key Environmental Considerations

The Environmental Impact Statement (EIS) to accompany the SSDA will address a comprehensive range of environmental and technical matters. The principal considerations identified through the scoping process include:

- **Visual Impact:** The site benefits from extensive native vegetation buffers and its remote setting within an emerging industrial precinct. A Visual Impact Assessment (VIA), including photomontages from key viewpoints, will be prepared.
- **Biodiversity:** The development footprint has been comprehensively cleared of native vegetation through historical industrial operations and remediation activities. No

biodiversity offsetting is required for the site, as concluded by a number of biodiversity assessments. NSW Biodiversity Certification for the site and broader precinct is anticipated in the coming months.

- **Aboriginal Cultural Heritage:** ACHARs have been prepared for the remediation of the site and a proposal to subdivide the site and surrounding land into industrial allotments. One registered Aboriginal heritage site (AHIMS 37-6-3070) lies on the southwestern boundary of the site and comprises two stone artefacts. An Aboriginal Heritage Impact Permit will be sought prior to the commencement of works associated with the SSD.
- **Flooding:** A portion of the western boundary is within the 1-in-100-year flood event area associated with Black Waterholes Creek. No buildings or infrastructure are proposed within the floodway associated with the creek or within 40 m of the creek alignment. A site-specific Flood Impact Assessment (FIA) will be prepared.
- **Noise and Air Quality:** Construction and operational noise and air quality assessments will be prepared. The use of PTUs rather than conventional diesel generators is expected to result in a significantly reduced air-quality impact compared to a standard data centre configuration.

2 Introduction

This Scoping Report has been prepared by SKM Planning Pty Ltd (SKM Planning) on behalf of the Applicant ADW Johnson Pty Ltd to request project-specific Secretary's Environmental Assessment Requirements (SEARs) for the construction and operation of a data centre facility on Hart Road, Loxford (the site) within the former Hydro Kurri Kurri Aluminium smelter site.

The proposal is considered State Significant Development (SSD) under Clause 25 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, as the proposed data centre would have a total power demand exceeding 15 megawatts.

Following preliminary consultation with DPHI, it was determined that the project requires a Scoping Report to support the issue of the project-Specific SEARs.

This report outlines the site context, provides an overview of the proposed development, and identifies the key planning considerations to assist the Department of Planning, Housing and Infrastructure (DPHI) in preparing the project-specific SEARs.

2.1 Applicant Details

The applicant details for the purposes of the Scoping Report are listed in the following table.

Applicant	Details
Entity	ADW Johnson Pty Ltd
ABN	62 129 445 398

3 Site Context

3.1 Local Setting

The site comprises a single parcel of land on Hart Road, Loxford NSW, situated north of Kurri Kurri town centre within the City of Cessnock Local Government Area (LGA) in the Hunter Region. The site forms part of the former Hydro Aluminium Smelter land holdings, which have been remediated under SSD 6666, including the construction and long-term management of a containment cell 280 m to the northwest of the site (see **Figure 6**).

The adjacent locality is predominantly characterised by densely vegetated terrain and emerging industries, including the Kurri Kurri Power Station. The Hunter Expressway (M15) is situated to the southwest, facilitating regional connectivity to Newcastle towards the southeast. Besides Kurri Kurri, located to the south, the nearby centres of Cessnock (southwest) and Maitland (northeast) serve as the primary commercial and residential hubs for the wider region. Swamp Creek is located 600 m to the east of the site, and Black Waterholes Creek is located at the western boundary of the site. TAFE NSW Kurri Kurri is located around 2 kms to the southeast of the site (see **Figure 6**).

The site is approximately 167 kilometres north of the Sydney Central Business District (CBD) and 37 kilometres northwest of the Newcastle CBD (see **Figure 1**).

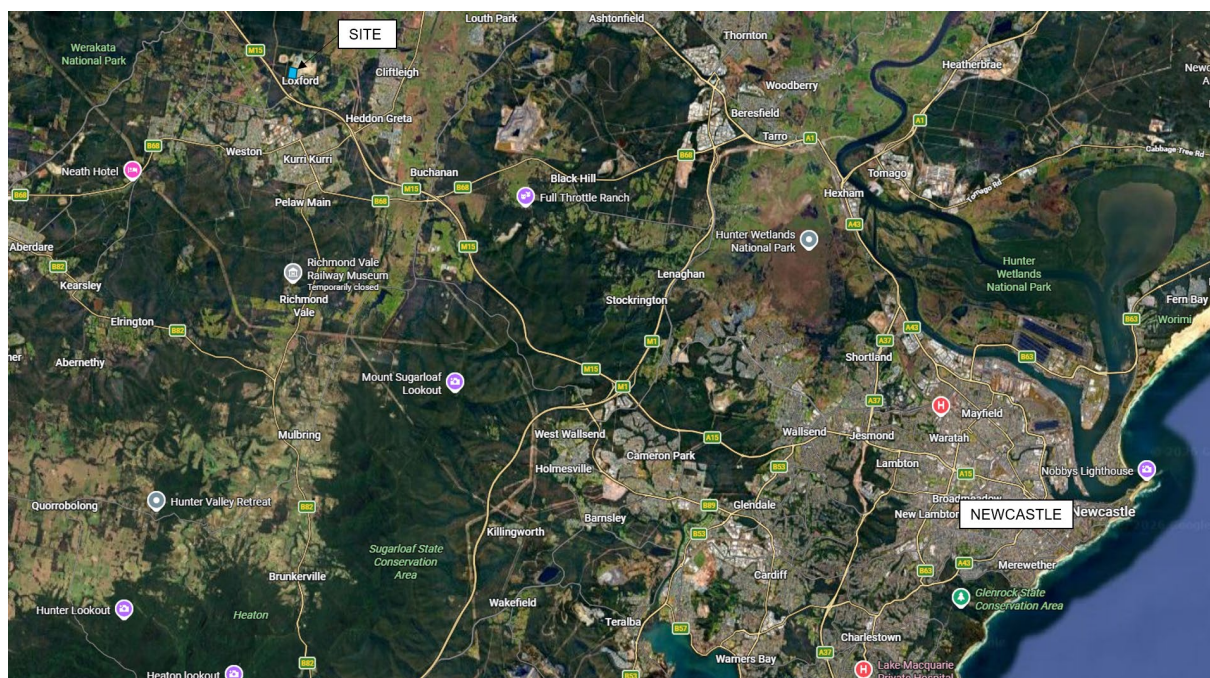


Figure 1: Regional Context (Source, Google Maps 2026)

3.2 Site Description

The site is located at the western extent of the lands remediated under SSD 6666 and rezoned for industrial purposes as part of a 2021 planning proposal and redevelopment program known as Regrowth Kurri Kurri. The site is located on Hart Road at its intersection with Dickson Road.

The key features of the site are summarised in **Table 1** below and identified in **Figure 6**.

Table 1: Site Particulars

Feature	Description
LGA	Cessnock
Legal Description	The site contains a single parcel of land legally described as Lot 4 DP 1314331.
Total Site Area	20.91 ha
Total Development Area	The north-western portion of the site will remain undeveloped due to flooding constraints. Therefore, the site's total development area is approximately 18 ha.
Existing Site Features	The site is predominantly vacant, following the demolition and remediation of the former Hydro Aluminium Smelter. An existing unmarked gravel car park is located in the southern portion of this area and was used by remediation contractors. A small portion of Black Waterholes Creek is located at the north-western extent of the site.
Site Access	• The site is accessible via Hart Road, which runs north to south along its eastern boundary. Two construction driveways from Hart Road are connected to the site. • Hart Road connects to the wider road network via the Hunter Expressway (M15) to the south.
Topography	The site is predominantly flat, reflecting its history of industrial use and the recent demolition of former structures and remediation works. Existing levels across the site vary from 13 AHD to 16 AHD. The site generally drains to Black Waterholes Creek at the southwestern boundary, which is the low point of the site.
Infrastructure	Electrical A 132 kV AusGrid transmission line runs into the southwestern portion of the site, including a registered easement. The proposal includes a dual overhead connection from the new switchyard within the site to the nearest pole in the transmission line.

Potable Water

A Hunter Water potable water main is located in Hart Road and is accessible to the site.

Sewer

A Hunter Water reticulated sewer main is located in Hart Road and is accessible to the site.

Surrounding Development	To the north: Kurri Kurri Power Station – SSI-12590060 zoned E5 – Heavy Industrial. To the south: Nepean Longwall – mining equipment manufacturing, an AusGrid overhead transmission line and dense native vegetation. To the southeast: dense native vegetation on the east side of Hart Road with some low-density residential housing on McLeod Road and Bowditch Avenue, around 600 m from the site. To the east: McCloy Group offices, TAC sheds used for the storage of spent pot lining (SPL) and vacant remediated industrial land. To the west: dense native vegetation forming part of the former Smelter buffer.
Biodiversity and Vegetation	The site has been predominantly cleared due to past industrial uses, remediation, and demolition works. A BDAR was prepared by GHD as part of DA 8/2023/85 for the subdivision of the site and surrounding land holdings for industrial allotments. The BDAR included targeted surveys of flora and fauna over the entire site. The BDAR confirmed that the entire proposed developable area of the site had been cleared of native vegetation, and no offsetting is required (see Figure 2).

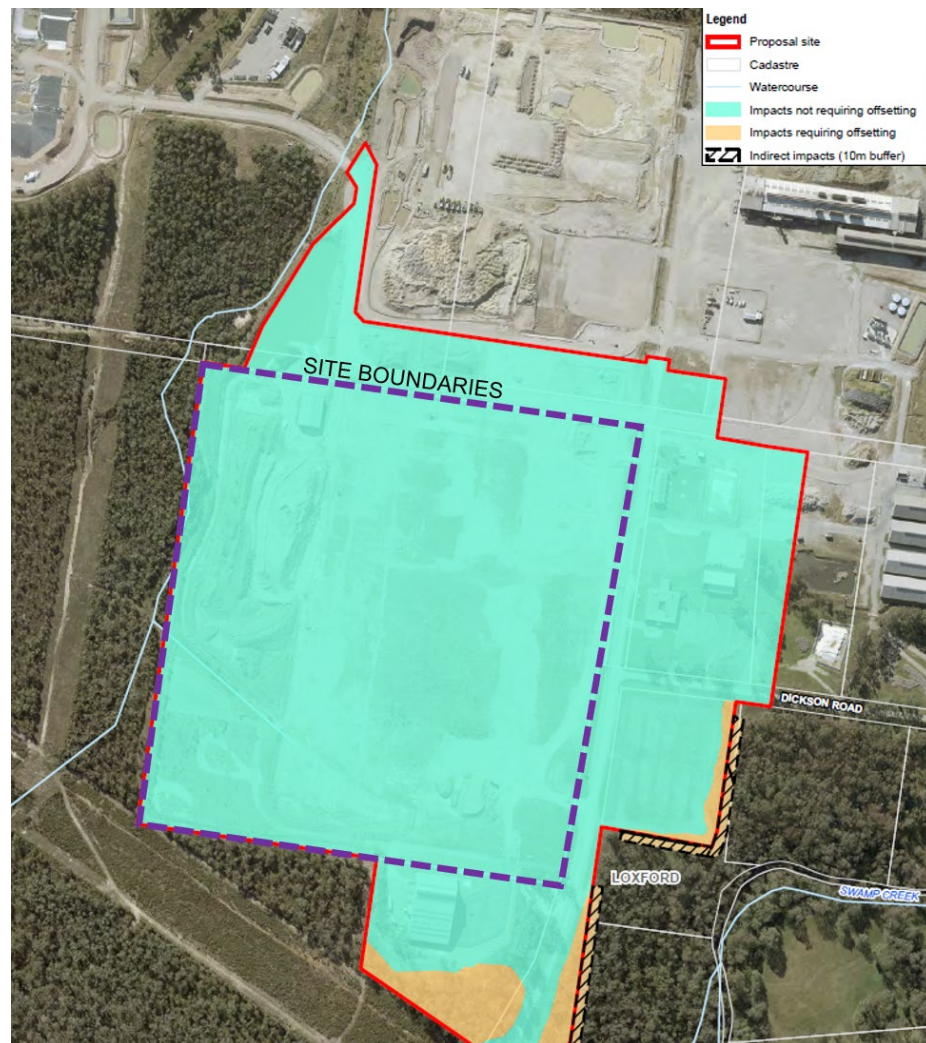


Figure 2: DA 8/2023/85 - Areas Requiring Offsetting (Source: GHD, 2023)

Aboriginal Heritage

The site has been substantially degraded by historical industrial and remediation activities. An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared as part of SSD 6666 to mitigate and manage any potential impacts of the remediation program. A further ACHAR was prepared as part of DA 8/2023/85, which proposed the further subdivision of the site and surrounds into industrial allotments. There is one registered site located on the southwestern boundary of the site: AHIMS Site 37-6-3070, identified in 2014 and consisting of two artefacts, both complete flakes (1 x silcrete, 1 x silicified tuff), which are located approximately 40m apart. The southernmost of the two artefacts is situated directly adjacent to the former Smelter's complex main security fence. The ACHAR recommended that an application be sought for an Aboriginal Heritage Impact Permit (AHIP) prior to works commencing.

European
Heritage

There are no heritage items situated on the site. The former South Maitland railway line, which extends to the east and southeast of the site, is designated as a local heritage item.

Bushfire

Bushfire-prone vegetation is present along three boundaries of the site. Category 1 land occurs along the western boundary, with a vegetation buffer extending into the site. Category 2 and 3 land occurs on the southern boundary, and the northern boundary is not impacted (see **Figure 3**).



Figure 3: Bushfire Map of the Site (Source: SEED Portal, 2026)

Flood Risk

A portion of the site on the western boundary is impacted by flood levels from Black Waterholes Creek and is considered impacted by the 1 in 100-year ARI flood event (see **Figure 4**) and within the flood planning area (FPA).



Figure 4: Cessnock City Council 1% Flood Mapping for the Site

Easements and Covenants

Easement 'L' – Transmission line easement in the southwestern corner of the site. – DP1306737.

Easement 'J' – Right of access easement benefiting Lot 1 DP1306737 in the south-eastern corner of the site.

Easement 'H' – Easement for service adjacent to Hart Road (10 wide) – DP1286098.

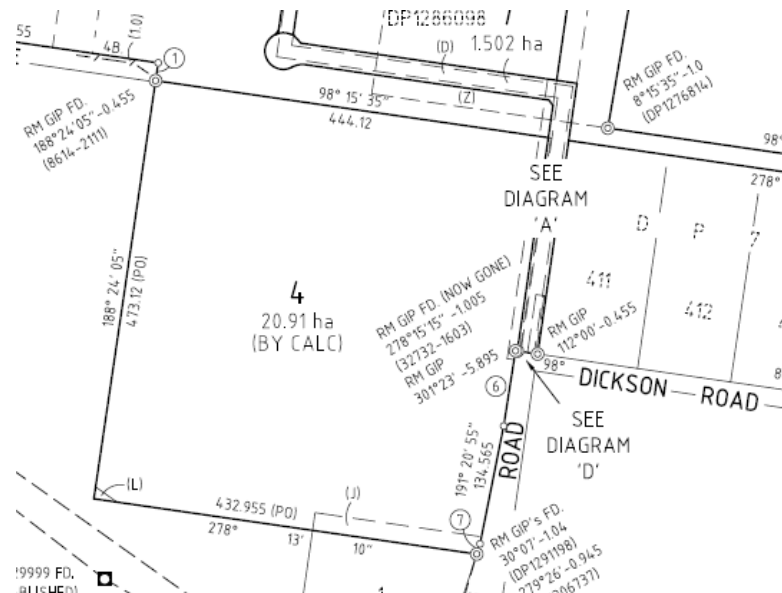


Figure 5: Deposited Plan Showing Easements.

Acid Soils	Sulphate	The site is not within an area known for acid sulphate soil occurrence. No indicators of acid sulphate soils were observed during the field investigations undertaken for previous development applications.
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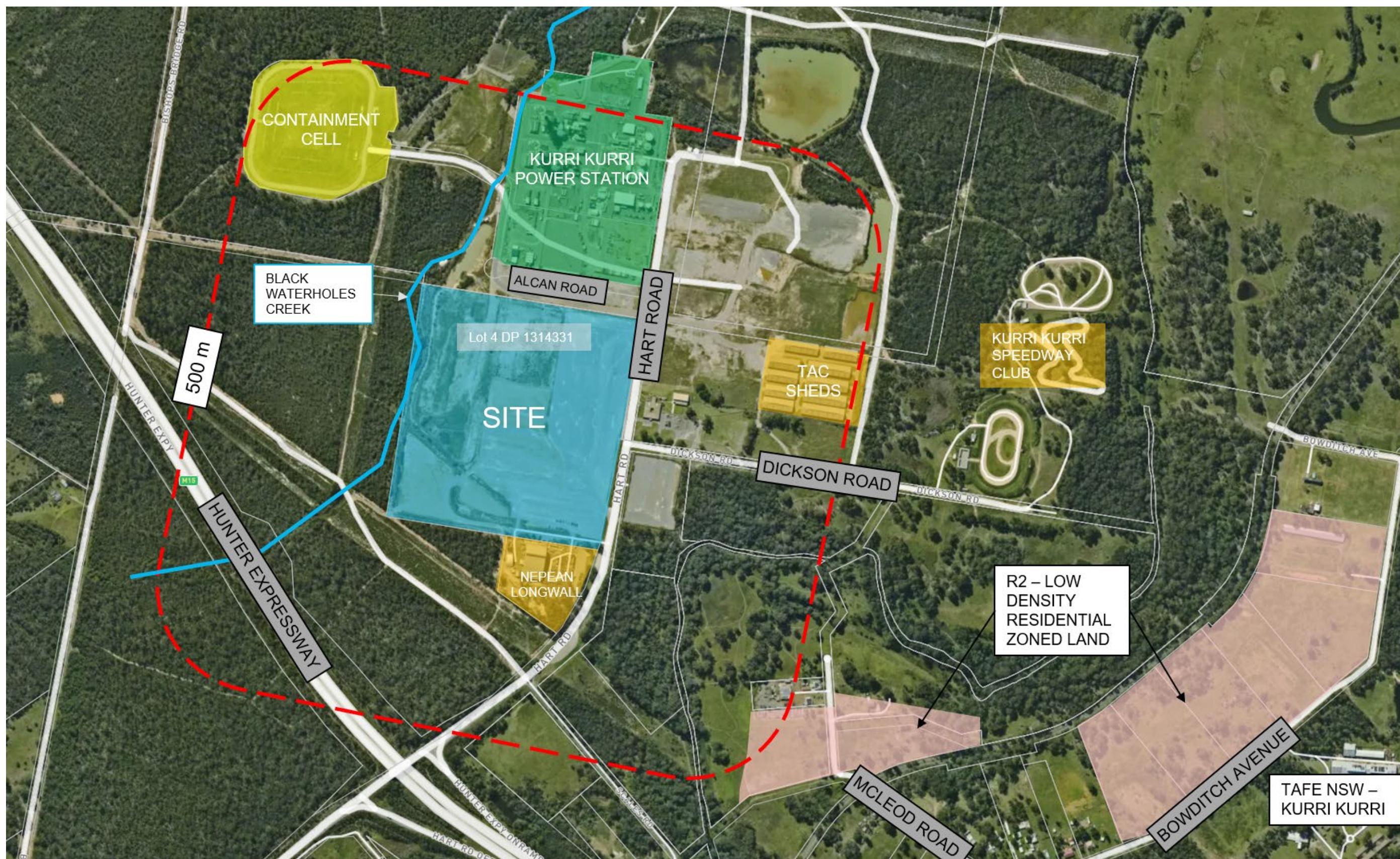


Figure 6: Site and Surrounds

3.3 Site History

Hydro Kurri Kurri

The subject site forms part of the former Hydro Aluminium Kurri Kurri Smelter landholdings, located at Hart Road, Loxford, in the Hunter Region of New South Wales. At its peak, the facility was one of six primary aluminium smelters operating in Australia and represented one of the most significant heavy industrial operations in the Hunter Region.

Establishment and Ownership

The origins of aluminium production at this location date to 1936, when Alcan (Aluminium Company of Canada), BACO (British Aluminium Company) and Electrolytic Zinc Company jointly established the Australian Aluminium Company Pty Ltd (Australuco) as a fabrication business. Formal primary smelting operations commenced in 1969 with the facility initially producing approximately 2,300 metric tonnes of aluminium per annum from a single pot line.

In 2002, Norsk Hydro acquired the smelter from its then-owners and rebranded the Kurri Kurri facility as Hydro Aluminium Kurri Kurri Pty Ltd (HAKK), under which it would operate for the remainder of its productive life.

Operations and Production Capacity

Through staged expansion, the smelter grew its annual production capacity from an initial 30,000 tonnes to approximately 180,000 tonnes by the 1990s. At its operational peak, the facility employed up to 892 workers and consumed approximately 6% of New South Wales' total electricity supply, reflecting the operation's scale and energy intensity.

Closure

Hot metal production at the smelter ceased in September 2012, and in May 2014, Hydro formally announced the permanent closure of the facility. The closure resulted in the loss of over 600 direct jobs and, coinciding with a concurrent downturn in the regional coal industry, had a significant adverse impact on the local economy of Kurri Kurri and the broader Hunter Region.

DA 8/2015/399 – Demolition of Smelter Buildings

Following closure, Hydro embarked on an extensive program of decommissioning, demolition and environmental remediation of the site and surrounding Hydro landholdings, which comprises approximately 2,000 hectares in total. A development application was lodged with Cessnock City Council for the demolition of the former smelter buildings while an EIS was being prepared for site-wide remediation. The DA was approved in March 2016, and demolition commenced in 2017.

DA 8/2018/46 – Demolition including detonation of three structures

A further Council DA was submitted in 2018 for additional demolition works, including the detonation of large structures, including the substantial smoke stacks. These works were

originally part of SSD 6666 but were separated out as part of an amended development application to facilitate the works under the Council DA, while the Applicant provided the NSW Government with adequate mechanisms for the long-term environmental management of the proposed containment cell.

SSD – 6666 – Remediation of the former Hydro Aluminium Smelter

Hydro Aluminium Kurri Kurri Pty Ltd (Hydro) lodged an SSDA with the then NSW Department of Planning, Industry and Environment (DPIE) to address the remediation of contaminated waste materials remaining on the former smelter site. SSD 6666 sought approval for the remediation of the former smelter operations, including the design, construction and operation of an engineered containment cell for the encapsulation of contaminated material.

The waste materials remaining on the site following closure contained a range of contaminants, including elevated concentrations of cyanide and fluoride. The stockpiling of this material occurred from the early 1970s until the mid-1990s, during which time waste was placed directly on the ground and left uncovered. Contaminants from the stockpiled waste leached into the underlying groundwater, resulting in a contamination plume extending approximately 300 metres to the northwest of the site into the surrounding buffer lands. The waste stockpile was capped in 1995 to prevent further leaching and migration of contaminants.

Scope of Approved Works

DPHI approved SSD 6666 for the following remediation works: excavation of onsite contaminated areas, excavation and treatment of the Capped Waste Stockpile (CWS) material, construction of a purpose-built containment cell, placement of contaminated materials within the containment cell, treatment of CWS leachate and the contaminated groundwater plume beneath the CWS, and ongoing management of the containment cell in perpetuity.

Engineered Containment Cell

The approved containment cell was designed as a purpose-built, engineered structure incorporating multiple layers of thick polyethylene plastic, welded to ensure integrity, laid on top of approximately four metres of compacted clay. Waste material was placed above the plastic base layers, covered with additional plastic liners welded to the bottom layers around the edges to create a fully enclosed dry tomb design. A leachate collection system was installed beneath the cell to capture any liquid generated during filling. The containment cell is located around 280 m from the site and is zoned SP2 – Infrastructure (Containment Cell).

Voluntary Planning Agreement

To ensure the in-perpetuity management of the containment cell, Hydro and the then DPIE entered into a Planning Agreement. The VPA included a series of monetary contributions, bank guarantees and insurance obligations at key milestones to fund the long-term management of the containment cell.

Following the five-year warranty and management period, ownership and management of the containment cell will permanently transfer to the NSW Government, through the Waste Assets

Management Corporation (WAMC). The ongoing management of the cell will be funded entirely by Hydro through contributions administered by the Department in accordance with the VPA.

MOD 1

SSD 6666 has been the subject of two modifications. MOD 1 was submitted in September 2021 for the construction and operation of an onsite Temporary Water Treatment Plant and associated infrastructure. MOD 1 was approved by DPIE in March 2023.

MOD 2

MOD 2 proposed the construction of Temporary Workforce Accommodation at the site. The Modification was approved by DPHI in November 2023. The temporary workforce accommodation has been removed from the site.

Status of Remediation

Daracon Contractors were awarded the remediation contract in December 2019. Environmental investigation, remediation, and validation works were led by Ramboll, addressing contaminants of concern, including fluoride, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). The Site Auditor commissioned for the project was Ross McFarland (No. 9819) from Aecom.

The remediation works associated with SSD 6666 have been substantially completed, and Site Audit Reports and Statements have been provided by the Site Auditor, including one for 'Precinct 3' (see **Figure 7**), which contains the entire site (refer to **Appendix 3**), entitled 2015/01A. The auditor concluded that the site is suitable for commercial and industrial use. Owing to the potential for undiscovered low-level contamination or waste to remain on site, the auditor recommended that a Construction Environmental Management Plan (CEMP) be prepared by a suitably qualified environmental consultant and issued to the civil works contractor immediately prior to the commencement of any civil works. The Site Audit Report for Precinct 3 does not identify any capped residual contamination, within the site or its immediate surrounds, that would constrain piling or foundation construction depths.

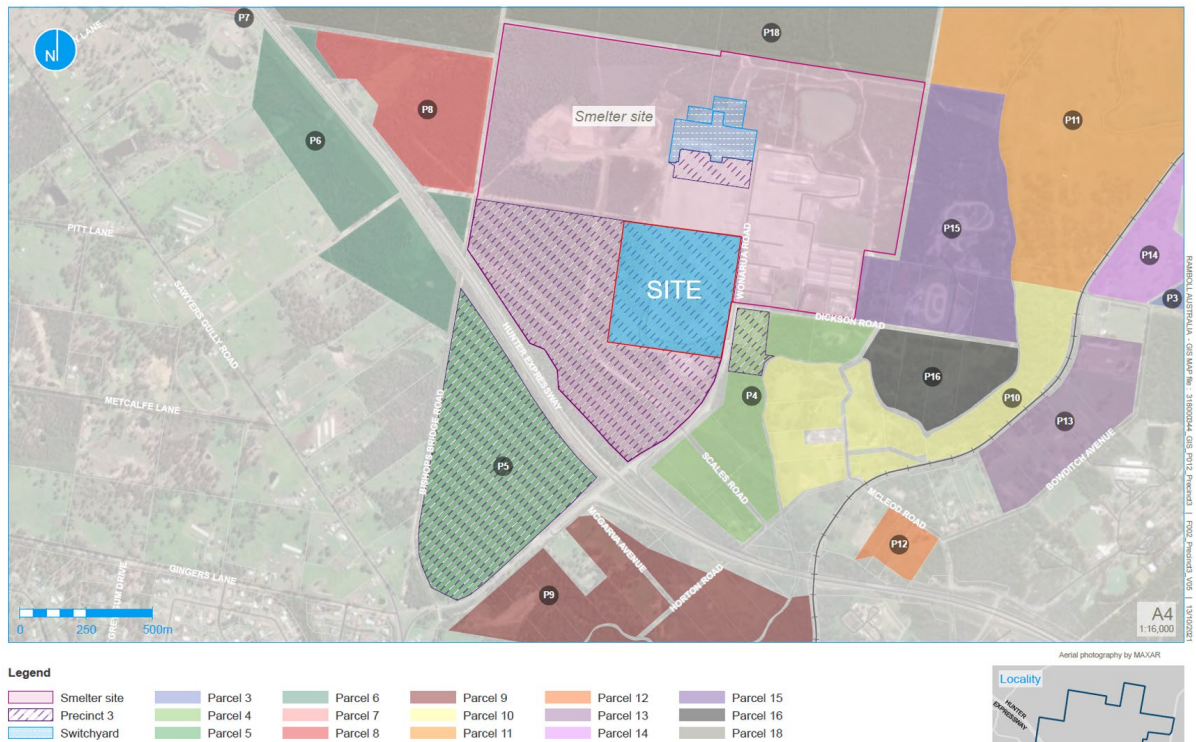


Figure 7: Site Audit Statement and Report / Remediation Precincts

City of Cessnock Planning Proposal (PP-2021-477)

Planning Proposal PP-2021-477 was prepared to rezone and facilitate the redevelopment of the former smelter site and surrounding buffer lands for employment, conservation, residential, and open-space purposes. The rezoning masterplan, broadly referred to as Regrowth Kurri Kurri (see **Figure 8**) identifies distinct precincts across the broader site, with the former smelter footprint and its immediate surrounds designated for employment and industrial uses given their proximity to the Hunter Expressway and the availability of existing heavy infrastructure. To the south of the Hunter Expressway, the rezoning plan identifies land to be rezoned as a Business Park, intended to provide opportunities for service industries, large format retail, office and light industry uses. The residential component of the rezoning is located in the eastern portion of the broader Hydro Land, providing a logical extension to the existing urban release areas of Cliftleigh and Gillieston Heights.

As a result of PP-2021-477, the site associated with this Scoping Report was rezoned to E4 General Industrial under an amendment to the CLEP 2011, establishing the statutory framework for a future Employment Precinct. The rezoning took effect on 16 December 2022. The land was also declared an Urban Release Area (URA) and included in the URA maps under Part 6 of the CLEP 2011, which in turn triggered the requirement for a site-specific Development Control Plan under Clause 6.3 of the CLEP 2011.

In response to this requirement, Cessnock City Council resolved on 20 September 2023 to adopt Development Control Plan Part E, Chapter 20 – Regrowth Kurri Kurri (DCP Chapter E20). The Chapter applies to all land within the Regrowth Kurri Kurri precinct, including the

site. It establishes area-based land-use controls and site-specific development standards to guide the design, conservation, and management of future development across the precinct.

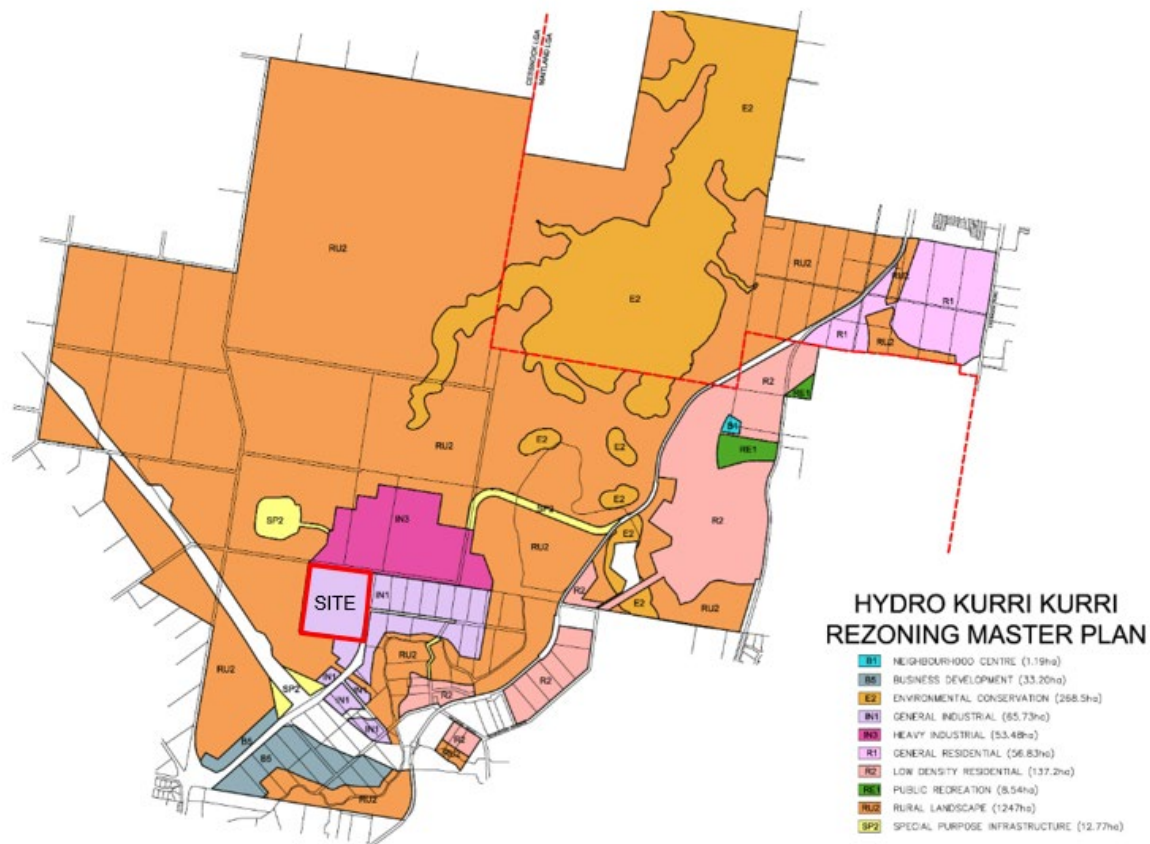


Figure 8: Hydro Kurri Kurri Rezoning Master Plan

Subdivision Development Application (DA 8/2023/85)

A Development Application (DA8/2023/85/1) was submitted to Cessnock City Council for a two-stage Torrens Title subdivision of the site in 2023. The proposal involves consolidating existing lots and the creation of 19 new lots of varying sizes to accommodate future industrial development, together with associated landscaping, stormwater management, earthworks, and construction works (see **Figure 9**).

Stage 1 proposes the creation of seven lots, with Stage 2 creating the remaining 12 lots to yield a total of 19 new industrial allotments. Three residue lots will also be created as a result of the consolidation and subdivision process. The application also includes the construction and extension of internal roads across the site, together with associated vegetation clearing, earthworks, landscaping and stormwater infrastructure.

As of June 2026, DA8/2023/85/1 remains under assessment by Cessnock City Council. It is understood that the outstanding matter required for the DA to be approved is the finalisation of a Planning Agreement between the owners of the site and the NSW Government. The Planning Agreement is now on exhibition, prior to finalisation.

Draft Planning Agreement

The agreement would enable the Secretary of DPHI to certify that satisfactory arrangements have been made for designated State public infrastructure, a prerequisite under Clause 6.1 of the Cessnock Local Environmental Plan 2011, before any Development Consent can be granted. The other party to the VPA is the owners of the site collectively. The VPA places obligations on the owners of the site to provide three infrastructure contributions, triggered by subdivision milestones related to DA8/2023/85, measured by Net Developable Area (NDA) associated with the development for typical industrial purposes:

1. Ramp Works Contribution

Construction and practical completion of north-facing ramps at the Hunter Expressway and Hart Road Interchange (minimum 15,075 m²). This must be completed prior to a Subdivision Certificate being issued that would result in cumulative NDA exceeding 31 hectares (the "25% NDA Date").

2. Ramp Land Contribution

Dedication of the Ramp Land (minimum 15,075 m²) as a public road to the relevant Roads Authority, due within three months after the 25% NDA Date.

3. Road Land Contribution

Dedication of approximately 12.87 hectares of land for a local link road connecting employment and residential land. This must occur prior to a Subdivision Certificate being issued that would result in cumulative NDA exceeding 91.3 hectares.

The proposed development is located over 20.9 ha and therefore encompasses less than the 31 ha of NDA required to trigger the Ramp Works Contribution. Consultation with TfNSW will be carried out during the preparation of the EIS to confirm this.

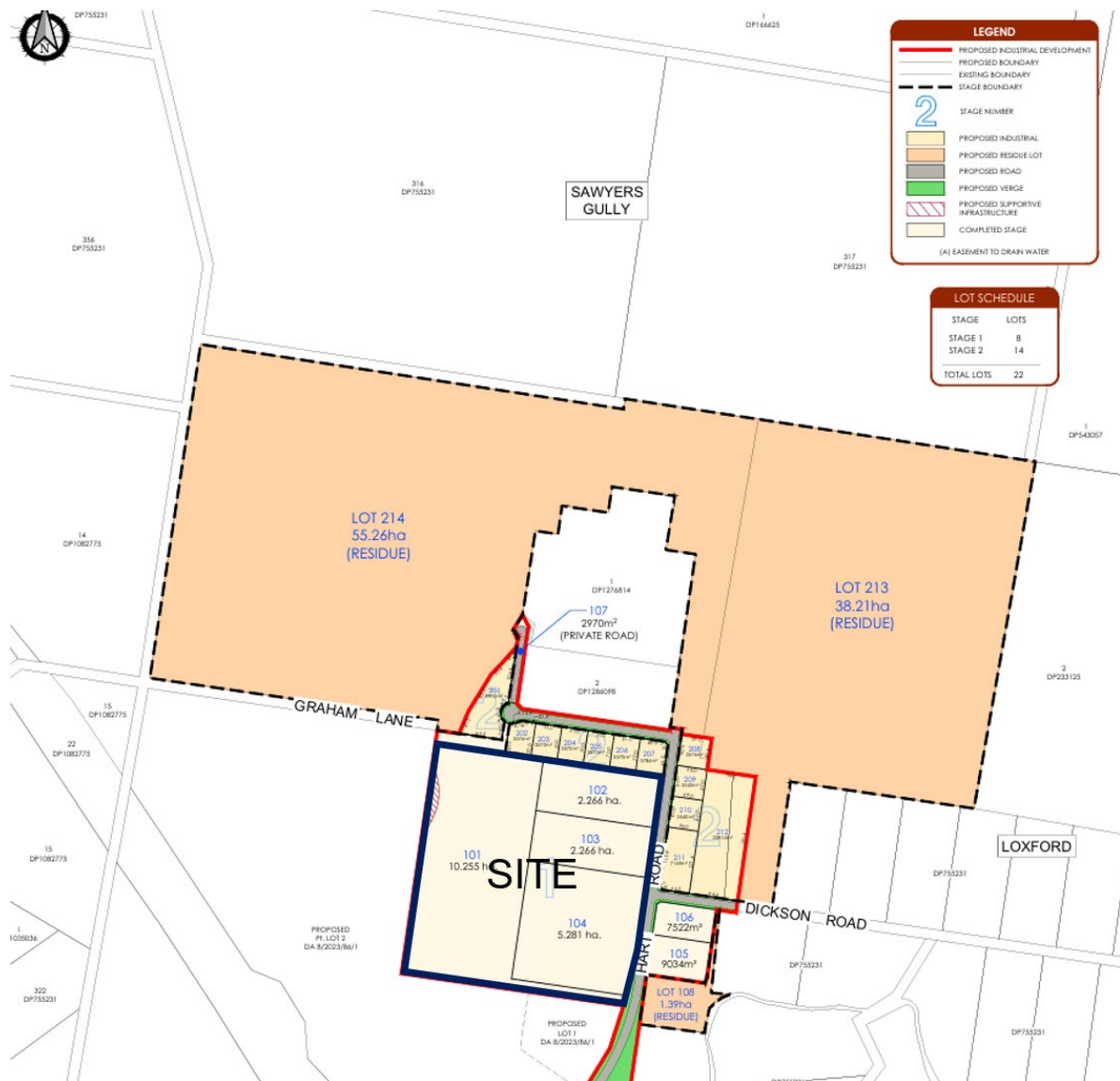


Figure 9: DA8/2023/85 - Proposed Subdivision Plan

EPBC Referral and Biodiversity Certificate

The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) issued a formal approval decision for the Regrowth Kurri Kurri – Residential and Employment Rezoning proposal on **7 March 2025**. The approval was granted to McCloy Project Management Pty Ltd, with the controlling provision being listed threatened species and communities under sections 18 and 18A of the Act.

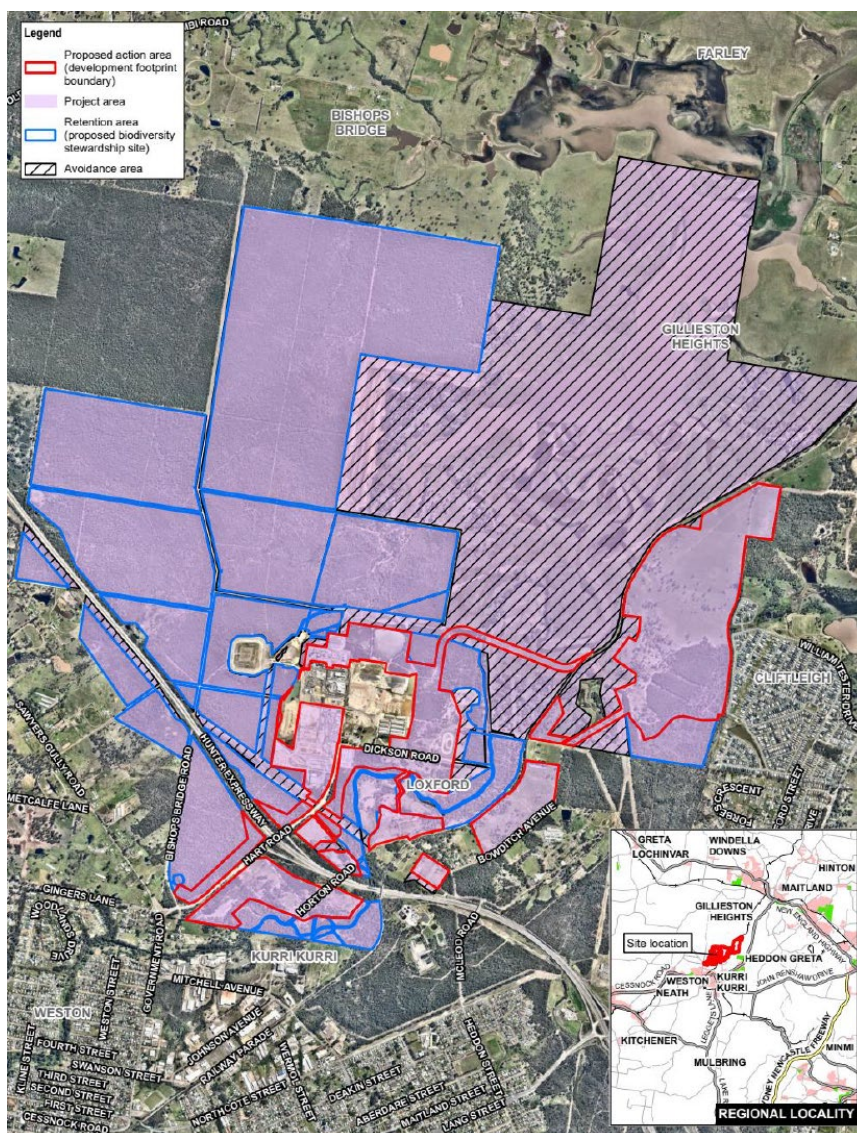


Figure 10: Approved Clearing Areas under EPBC 2023/09572 (red outline)

Following the EPBC approval in March 2025, McCloy Group applied for NSW Biodiversity Certification. McCloy Group has confirmed that the NSW Biodiversity Certification under Part 8 of the *Biodiversity Conservation Act 2016* has not yet been formally issued but is expected in the coming months. NSW Biodiversity Certification, once issued, will streamline biodiversity assessment requirements for individual development applications and State SSDs within the certified area by removing the requirement to prepare a BDAR. This streamlining is particularly relevant given the site's existing condition — the land has been comprehensively cleared of native vegetation and habitat as a result of historical industrial operations, with the exception of a small section of the Black Waterholes Creek riparian corridor, which falls entirely outside the proposed development footprint. Given the absence of remnant vegetation or habitat across the development footprint, no clearing of the site is proposed under the EPBC referral, and accordingly, no biodiversity impacts associated with vegetation removal are anticipated.

A BDAR was prepared by GHD in 2023 as part of DA 8/2023/85 for the subdivision of the site and surrounding land holdings for an industrial subdivision. The BDAR included targeted

surveys of flora and fauna over the entire site. The BDAR confirmed that the entire proposed developable area of the site had been cleared of native vegetation and no offsetting is required.

Environmental Protection Licences

EPL 1548 – Hydro Aluminium Kurri Kurri Pty Ltd

The primary licence applying to the former smelter site is EPL 1548. The EPL formerly permitted several scheduled activities associated with the smelting process. The EPL was varied in 2021 to limit the scheduled activities to those associated with the remediation project under SSD 6666, including:

- Works associated with the remediation of the former smelter site;
- Contaminated soil treatment and management;
- Construction and operation of the engineered containment cell;
- Groundwater extraction and treatment via the Temporary Water Treatment Plant; and
- Ongoing long-term management of the containment cell.

A review of the EPL demonstrates that the ongoing obligations inherent in the licence do not contain restrictions that would impact the redevelopment of the site for the proposal.

EPL 21770 – Tomago Aluminium Storage of Spent Pot Lining

This licence relates to four "Tac Sheds" on the former Hydro Aluminium Smelter site, which are used to store Spent Pot Lining (SPL) from the Tomago Aluminium Smelter operations. The EPL permits the storage of no more than 20,000 tonnes of Aluminium Dross at any one time. The purpose of the EPL is to provide temporary storage of dross whilst the licensee gains approval and then constructs a facility at its Tomago plant for dross processing. The licensee intends to have all dross removed from the premises by December 2027, at which stage this licence will be surrendered. The TAC sheds are located around 500m to the east of the site.

3.4 Surrounding Development Approvals

Kurri Kurri Power Station - SSI-12590060

The Kurri Kurri Power Station involves constructing and operating a power station with a capacity of up to 750 megawatts, an electrical switchyard and associated supporting infrastructure. The Power Station site is located to the north of the subject site (see **Figure 6**).

The station operates as a peak-load generation facility, able to supply electricity at short notice when required in the National Electricity Market. The Power Station is designed to run only for a minority of the time, when electricity demand is high and renewable generation is limited,

providing 660 megawatts of electricity when needed most. The proponent is Snowy Hydro Ltd, with the project being Commonwealth Government-funded.

The project was approved by the Minister on 17 December 2021, with the approval subsequently modified by SSI-12590060-Mod-1 and SSI-12590060-Mod-2 (the latter finalised on 16 November 2023).

The project is designed to provide dispatchable peaking energy and would operate using natural gas up to 10% of the year and diesel as a backup fuel up to 2% of the year. The project would be capable of using up to 10% hydrogen, subject to the capability of the gas transmission network and planning approvals. It is anticipated that the power station would operate for an average of 2% of the year.

4 Project Description

Data centres are critical digital infrastructure underpinning Australia's growing reliance on cloud computing, artificial intelligence, and digital services, with demand accelerating significantly as businesses and government agencies continue to transition workloads to cloud-based platforms.

The proposal comprises a large-scale data centre facility designed to support the receipt, storage, processing, and distribution of data for a broad range of customers, including cloud service providers, digital content platforms, government entities, and large corporate organisations.

4.1 Complying Development Pathway

Several components of the proposal will be constructed under a CDC pathway, including site preparation works, earthworks and service installation, construction of the main industrial building and offices (to be converted to the data hall and tech building under the SSD), internal roads and parking, driveway connections (under a Section 138 Approval from Council) and landscaping (refer to Appendix 7 and **Figure 11** and **Figure 12**).

Table 2: Works Proposed under the CDC

Component	CDC Works
Site preparation and earthworks	Bulk earthworks across the site are proposed outside of the flood hazard area (as depicted in Figure 12). Cut and fill works would establish the ground level across these areas to a maximum of RL 16.7 above the average existing ground level of RL 15.7.
Construction of an industrial building with ancillary offices	The main industrial building would be constructed under the CDC pathway and converted to a data centre as part of the SSD application. Total GFA – 44,220 m² • Lobby and ancillary floor space: 20,339 m². • Office floor space 612 m². • Data hall space: 23,639 m². Building Height: 16.8 m above finished ground level and 17.8 above natural ground level.

The internal layout of the office area would be constructed under the CDC pathway, with additional fit-out under the SSD to include data centre-related technology.

Service installation	Installation of water, sewer and electrical services from Hart Road
Landscaping	Installation of landscaping at the Hart Road frontage within the site.
Driveways, internal vehicle manoeuvring areas and parking	Construction of a new main entry and exit driveway from Hart Road under a Section 138 application with Council. Construction of an emergency entry and exit from Hart Road at the northern extent of the site.
Car Parking	160 parking spaces (minimum 1 space per two employees or 1 space per 300 m ² GFA)
Fire tanks, pumps, boosters and hydrants	Construction/installation of fire water tanks (2x557 kL), pumps and boosters to meet the requirements of the National Construction Code, relevant FRNSW guidelines and Australian Standards.
Hardstand	Construction of hardstand areas, which will be repurposed as part of the SSD application for plant gantry areas.
Stormwater	Stormwater collection and conveyance network and construction of a temporary stormwater detention basin, which would discharge to Black Waterholes Creek.

4.2 SSD Proposal Works

The SSD proposal comprises the fit-out and 24/7 operation of a two-storey data centre building; the construction of additional building elements and screening; all data centre-related plant and utilities infrastructure; construction of two substations, switchyard, statcom and some additional landscaping and vehicle manoeuvring areas (not constructed under the CDC). A detailed description of each element is provided in the sections below.

The data centre would primarily utilise Power Train Units (PTUs) to avoid power outages and 'dry' air chillers to cool the data hall.

The key parameters of the proposed development are summarised in **Table 3** and shown in **Figure 13** to **Figure 16**.

Table 3: Development Summary

Component	Proposal
Land use	Data centre with associated infrastructure and ancillary offices.
Additional Site Preparation and Earthworks	Additional earthworks, cut and fill, and site levelling would be carried out within the flood hazard areas (which could not be carried out under the CDC) (red hatched area in Figure 12). Site levels would match or tie into the levels achieved under CDC, up to a maximum of RL 16.7 above the average existing ground level of RL 15.7. These areas are classified as 'flood storage' areas and are not within a floodway (a detailed Flood Impact Assessment to be provided in support of the earthworks).
Vehicle Manoeuvring	Some additional vehicle and truck manoeuvring areas would be installed to provide access to the substations, switchyard, statcom, rear plant gantry areas and stormwater basin.
Landcapong	Some additional internal landscaping areas will be established and the existing landscaping areas created under the CDC may be improved in accordance with a detailed Landscape Plan and the requirements of any SSD approval.
Internal Fit Out	- Internal fit-out of the industrial building and conversion to a series of data halls, as depicted in Figure 14. - Additional minor internal fit-out of offices (installation of DC technology) and conversion to the 'tech building'.
Electrical Demand	540 MW
Electrical Supply and Upgrades	Dual feeders from the adjacent Ausgrid 132 kV sub-transmission network to the intake switchyard.
Water Consumption	The proposal includes the use of dry chilling technology; therefore, water consumption would be determined by staff needs.

Ancillary infrastructure	• PTUs and SBUs ○ 4 x 2MW IT PTU's (1.8MW uninterrupted power supply (UPS)) ○ 2 x 2MW IT PTU's (1.6MW UPS) ○ 24 x 2MW Mechanical PTU's (425kW UPS) ○ 192 x 2MW Short break IT SBU's (No UPS) ○ 84 x 2MW Mechanical SBU's (No UPS) • Approximately 47,440kg of Li-Ion batteries. • 336 air-cooled chillers at 1.2MW capacity each (N-only) constructed on a gantry. • 10 emergency backup diesel generators at 2.2 MW output capacity each, located within the plant gantry area. • Above-ground diesel storage with secondary containment for up to 270 kL total storage for 24 hours of autonomy at full load. • Gatehouse. • Switchyard. • Statcom Building. • Installation of two main substations. • Security fencing around the entire site.
Stormwater	• On-site detention (OSD) basin to be located in the north-western corner of the site. WSUD measures are to be implemented throughout the site. • The temporary OSD basin installed as part of the CDC pathway would be removed.
Total Landscape Area	30,278 m ²
Staging	Stage 0 – Earthworks, construction of an industrial building and supporting infrastructure under a Complying Development Certificate (CDC) application. Stage 1 – Fit out of the industrial building with the necessary data centre components and infrastructure. Construction of the other proposed components of the development (balance of the development).

works would be carried out under the CDC pathway. However, the impacts of any filling and retaining walls would be assessed as part of the Visual Impact Assessment (VIA) for the SSDA.

4.4 Data Centre Layout and Design

The proposal includes the construction and 24/7 operation of a 540 MW data centre facility. The proposal comprises a single two-storey building with eight data hall areas and a central office, amenities, and a workshop area on the ground floor, and eight additional data hall areas on the first floor. The building would have a total GFA of 44,220 m² and a height of 16.8 m above ground level. The building would have a north-south orientation along the frontage of Hart Road.

Along the eastern and western elevations of the building would be a series of PTUs to regulate the electrical supply to the data halls. To screen the view of the PPU's from Hart Road, a decorative screening enclosure would be constructed.

As illustrated in **Figure 13**, the general arrangement and layout of the proposal consists of:

- The main data hall building and screened PTUs are setback from Hart Road with landscaping and vehicle manoeuvring areas.
- Behind the main data hall building is the plant gantry area, which would contain the dry chiller units, 10 diesel backup generators and above-ground self-bunded diesel storage tanks.
- Further to the west, adjacent to the plant gantry area, would be two substations and a switchyard with connections to the AusGrid transmission line in the southwest corner of the site.
- To the north of the switchyard would be statcom infrastructure to provide reactive power compensation for the electrical grid connection.

4.5 Access and Car Parking

Vehicle access would be provided from Hart Road via a single one-way entry point and another one-way exit point. The driveways would be constructed from the sealed and formed portion of Hart Road to the south of its intersection with Dickson Road. A series of internal ring roads would be constructed around the main components of the development for access and emergency services purposes. These works would be completed under the CDC pathway.

Trucks delivery components would enter the site via the main entry and travel to the rear of the main building to the three loading bays.

The concept plans include vehicle parking within the main building ring road. A total of 160 parking spaces have been provided to meet the requirements of the Cessnock City DCP, which requires 1 parking space per two employees. A building occupation analysis will be

carried out to refine parking numbers and ensure sufficient parking is available for staff and visitors during the detailed design phase as part of the EIS preparation.

Detailed civil plans and a Traffic Impact Assessment (TIA) will accompany the application to address relevant engineering and traffic requirements.

4.6 Power Train Unit System

The development includes the use of a series of PTU's and battery systems connected to and located adjacent to the data halls. A PTU sits between the upstream power infrastructure and the downstream IT load. It monitors both incoming supply sources and, upon detecting a fault or anomaly on one feed, executes a controlled transfer to the healthy feed.

The PTU maintains instant access to multiple independent supply paths, and during most power disturbances (which would traditionally force a generator to start) are resolved by the PTU switching to an alternative healthy feed. The benefits of using PTUs include eliminating single points of failure in the power distribution path and reducing the risk of upstream faults.

In some instances, the PTUs may not be able to avoid power failures, and therefore the development includes the installation of 10 emergency backup diesel generators at 2.2 MW output capacity each.

4.7 Air Chillers

The proposal incorporates dry air chillers as the primary cooling system for the data centre. Dry air chillers are a refrigeration-based technology that rejects heat directly to the ambient outdoor air, without the use of water as a cooling medium in the heat rejection process. Unlike evaporative cooling towers, which consume significant volumes of water to dissipate heat through evaporation, dry air chillers utilise air-cooled condenser coils and fans to expel heat from the refrigerant circuit to the surrounding atmosphere. This makes dry air chillers a considerably more water-efficient cooling solution, eliminating the ongoing water consumption and chemical treatment requirements associated with evaporative cooling systems.

The chillers would be located to the west of the main building, including gantries to permit stacked arrangements. The floor of the gantry would have a height of 9.5 m above ground level, with the air-cooled chillers 2.5 m above this level.

4.8 Landscaping

The proposal includes over 3 ha of landscaping areas located at the Hart Road frontage of the site. A detailed landscaping plan would be prepared in support of a VIA for the development. The landscaping areas would be planted with native and endemic species, including trees, shrubs, and groundcover, to create a visually appealing development when

viewed from the street and to provide amenity for staff and visitors. A Vegetation Management Plan would be prepared to ensure the landscaping is maintained for the life of the development.

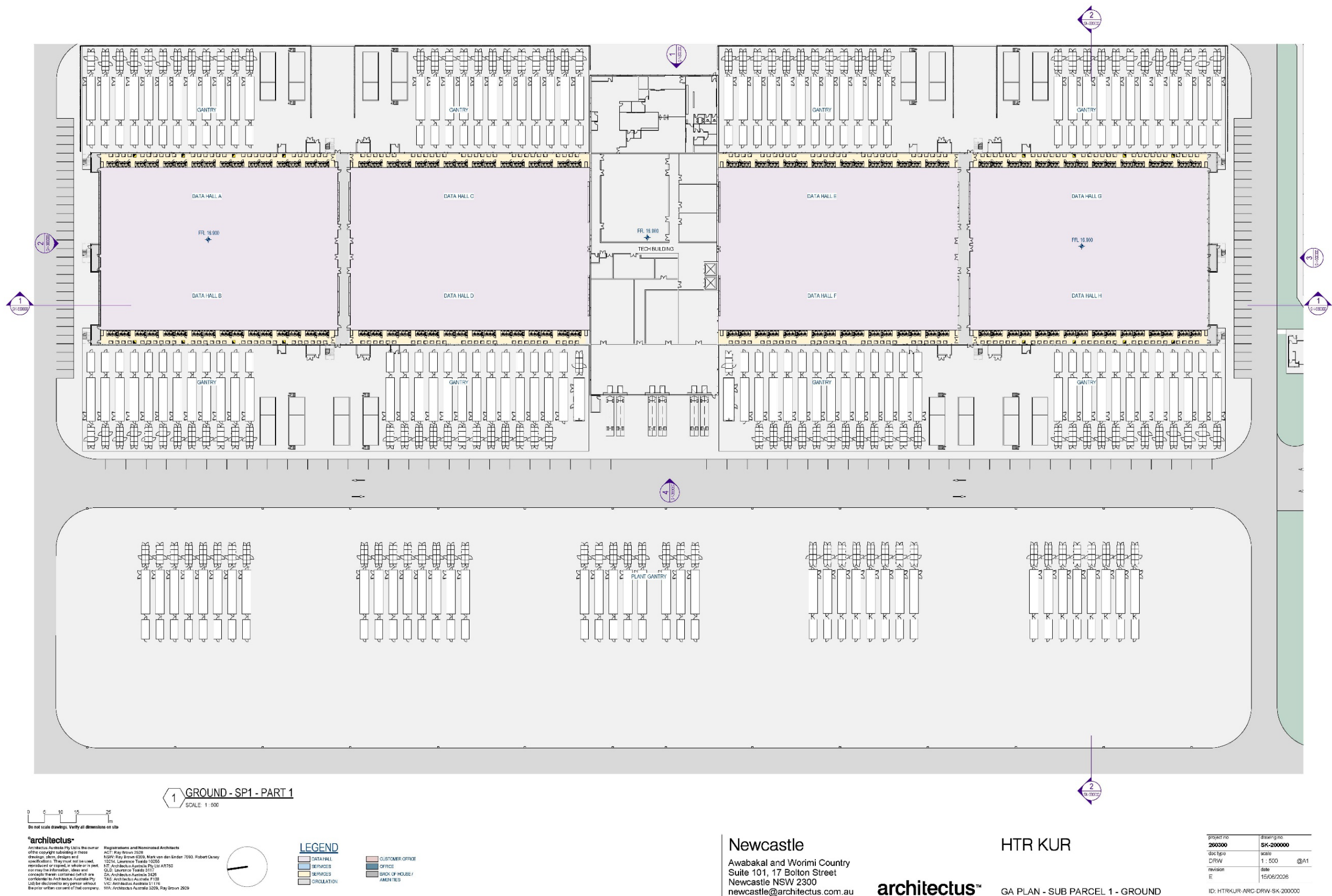


Figure 14: SSD Ground Floor Plan



Figure 15: 3D Render of Data Centre from Southwest



Figure 16: 3D Render of Data Centre from Dickson Road

5 Project Alternatives

The site has been selected based on comprehensive due diligence and a site selection exercise.

5.1 Alternatives Considered

Do Nothing

This approach would not realise the client's objectives for the development. The 'do nothing' approach would not increase the volume of data storage available to the Hunter Region. The 'do nothing' approach would also fail to contribute to the timely redevelopment of the former Hydro Kurri Kurri site for a permissible and strategically identified use.

Alternative Site

A comprehensive site selection process across the Hunter Region has been conducted to identify a suitable location for a data centre facility capable of supporting the region's growing data storage needs, including those of existing and emerging industries, the expanding population, and government agencies.

The site selection process was guided by the key technical and operational requirements of a large-scale data centre, with primary consideration given to proximity to high-voltage electrical infrastructure, fibre optic network connectivity, access to essential utilities, and transport linkages. The process also gave weight to minimising potential impacts on surrounding land uses, with preference given to sites that are not located in proximity to sensitive receivers.

A number of alternative sites within the Hunter Region were identified and evaluated as part of this process. Several sites were discounted at an early stage as they did not satisfy the fundamental technical requirements or offer the locational attributes necessary to support a development of this scale and nature. Other sites within the region are understood to be under separate consideration for data centre development by other proponents. Following this assessment, the subject site at Hart Road, Loxford was identified as the preferred location, offering a unique combination of attributes — including proximity to existing high-voltage infrastructure associated with the former Hydro Aluminium smelter, established utilities, strategic road connectivity via the Hunter Expressway, and separation from sensitive land uses — that were not replicated at alternative sites evaluated during the selection process.

5.2 Justification for Preferred Option

The site is considered optimal for a data centre development, given:

- The site has been strategically identified for industrial development and represents an employment-generating reuse of a remediated site.

- The site contains significant buffers to existing and future residential receivers, due to its historic use as a large-scale aluminium smelter.
- Its size, flat topography and the existence of protected screening vegetation.
- 132 kV high-voltage transmission lines running along the southern boundary.

The proposed development is considered justified in this location for the following reasons:

- Local and State strategic and economic development plans are broadly supportive of data centre and digital infrastructure investment in the Hunter Region, and the proposal is consistent with the strategic intent for the employment precinct established through the Regrowth Kurri Kurri rezoning process.
- The development will support the expansion of critical digital infrastructure in the Hunter Region, strengthening the local and regional digital economy and providing the data storage capacity required to service existing and emerging industries, government agencies and the growing population.
- The proposal represents a significant reinvestment in a former heavy industrial site, contributing to the ongoing regeneration of the precinct and providing an opportunity to establish the site as a centre for digital innovation and technology-focused industry.
- The development will generate approximately 500 jobs during the construction phase and approximately 250 full-time equivalent positions during operations, providing direct economic benefits to the local workforce and supply chain.
- The site presents limited hazards and is not in close proximity to sensitive receivers, reducing the potential for adverse amenity impacts during both construction and operation.
- The proposal provides for the efficient, orderly and economically productive use of land within a precinct undergoing active commercial and industrial regeneration, making effective use of existing infrastructure and avoiding the need for greenfield development on undisturbed land.

6 Statutory Framework

6.1 Commonwealth Legislation

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) is the primary Commonwealth legislation governing the protection of the environment and the conservation of biodiversity in Australia. The EPBC Act establishes a framework for the identification, assessment and protection of Matters of National Environmental Significance (MNES).

Under Section 67 of the EPBC Act, any person proposing to take an action that has, will have, or is likely to have a significant impact on MNES is required to refer that action to the Commonwealth Minister for the Environment (the Minister) for a determination as to whether formal Commonwealth assessment and approval is required. MNES protected under the EPBC Act include:

- Nationally listed threatened species and ecological communities;
- Listed migratory species;
- Ramsar wetlands of international importance;
- World Heritage properties;
- National Heritage places;
- Commonwealth marine areas; and
- The environment of Commonwealth land.

Upon receipt of a referral, the Minister must decide whether the proposed action constitutes a "Controlled Action" under Section 75 of the EPBC Act. Where the Minister determines that an action is likely to have a significant impact on one or more MNES, the action is declared a Controlled Action and cannot lawfully proceed without formal Commonwealth approval. Where the Minister determines that the action is unlikely to have a significant impact on MNES, the action is declared "Not a Controlled Action" and may proceed without further Commonwealth assessment or approval.

The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) issued a formal approval decision for the Regrowth Kurri Kurri – Residential and Employment Rezoning proposal on **7 March 2025**. The approval was granted to McCloy Project Management Pty Ltd (ACN 613 410 450) under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), with the controlling provision being listed threatened species and communities under sections 18 and 18A of the Act.

The approved actions include the clearing of all vegetation within the footprint of the site that has not been previously approved for vegetation clearance required for the remediation under SSD 6666.

6.2 Relevant State Acts

Environmental Planning and Assessment Act 1979

The primary legislation governing land use planning and development assessment in NSW is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act is supported by the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and a hierarchy of Environmental Planning Instruments (EPIs), comprising State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs), which together establish the statutory framework for land use planning across the state.

Part 4 of the EP&A Act provides the framework for the assessment and determination of development applications. Under this framework, development is categorised as one of the following: exempt development, complying development, development requiring consent, or prohibited development.

Planning Approval Pathway

The proposal is considered SSD under Section 4.36 of the EP&A Act because it is permissible with consent and meets the requirements of clause 25 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP), which declares Data Centres with a capacity of 15 megawatts or more to be SSD. As the proposed Data Centre exceeds this capacity threshold, the development must be assessed as SSD under Part 4 of the EP&A Act, and must be accompanied by an EIS prepared in accordance with SEARs issued by DPHI.

In line with section 4.5 of the EP&A Act, the consent authority for the Project would be the NSW Minister for Planning and Public Spaces or the Independent Planning Commission (in the case of greater than 50 public objections to the application, local council objection, and/or reportable political donations made by the proponent in the two years prior to lodgement). As noted in section 4.40 of the EP&A Act, SSD applications are evaluated and determined in line with the requirements of section 4.15 of the EP&A Act.

Environmental Planning and Assessment Regulation 2021

The *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) is a subordinate instrument made under the EP&A Act that provides procedural and technical requirements to guide the assessment and determination of development applications. The following provisions of the EP&A Regulation are relevant to any future development of the site.

State Significant Development

The proposed Data Centre development would be considered SSD, and therefore, the application must be accompanied by an EIS prepared in accordance with Division 5 of the EP&A Regulation. The EIS must address the Secretary's Environmental Assessment Requirements (SEARs) issued by the Department of Planning, Housing and Infrastructure (DPHI) and assess the potential environmental impacts of the proposed development in sufficient detail to inform the consent authority's determination.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the primary NSW legislation governing the protection and management of biodiversity, ecosystems and threatened species. The objects of the BC Act include "maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development." The BC Act is supported by the *Biodiversity Conservation Regulation 2017* (BC Regulation), which prescribes the procedural and technical requirements for the implementation of the BC Act, including the Biodiversity Assessment Method (BAM).

Following the EPBC approval in March 2025, McCloy Group applied for NSW Biodiversity Certification. McCloy Group has confirmed that the NSW Biodiversity Certification under Part 8 of the *Biodiversity Conservation Act 2016* has not yet been formally issued but is expected in the coming months. NSW Biodiversity Certification, once issued, will streamline biodiversity assessment requirements for individual development applications and State SSDs within the certified area by removing the requirement to prepare a BDAR. This streamlining is particularly relevant given the site's existing condition — the land has been comprehensively cleared of native vegetation and habitat as a result of historical industrial operations, with the exception of a small section of the Black Waterholes Creek riparian corridor, which falls entirely outside the proposed development footprint.

A BDAR was prepared by GHD as part of DA 8/2023/85 for the subdivision of the site and surrounding land holdings for an industrial subdivision. The BDAR included targeted surveys of flora and fauna over the entire site. The BDAR confirmed that the entire proposed developable area of the site had been cleared of native vegetation and no offsetting is required.

Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) is the primary NSW legislation governing the regulation and control of pollution and the promotion of environmental protection across the State. The POEO Act establishes a comprehensive framework for managing activities that could harm the environment, with particular focus on air quality, water quality, noise, and waste.

Environment Protection Licences

Schedule 1 of the POEO Act prescribes a list of Scheduled Activities that may require an Environment Protection Licence (EPL) issued by the NSW Environment Protection Authority (EPA). Where a proposed development involves the carrying out of one or more Scheduled Activities above the relevant threshold, an EPL must be obtained prior to the commencement of those activities.

A preliminary review of the Scheduled Activities under Schedule 1 of the POEO Act has been undertaken in the context of the proposed Data Centre development. The following Scheduled Activities are considered potentially relevant:

- **Schedule 1, Activity 9 — Petroleum Products Storage:** This activity may be triggered by the storage of diesel fuel required to support emergency backup power generation associated with Data Centre operations. The relevant threshold is 200 tonnes for liquefied gases or 2,000 tonnes for chemicals. The volume of diesel fuel storage is 270,000 L, which is below the 2,000-tonne threshold, and therefore an EPL is not warranted under this Activity.
- **Schedule 1, Activity 17 — Electricity Generation:** This activity applies to the generation of electricity by means of an emergency standby electricity plant that operates for more than 200 hours per year, inclusive of warm-up and cool-down periods. The limited proposed use of 10 emergency standby generators is unlikely to trigger this threshold, and therefore, an EPL is not warranted under this Activity.

As detailed in Section 3 above, the site is subject to two EPL's:

- EPL 1548 – Hydro Aluminium Kurri Kurri Pty Ltd
- EPL 21770 – Tomago Aluminium Storage of Spent Pot Lining

Water Management Act 2000

The Water Management Act 2000 (WM Act) is the primary NSW legislation governing the sustainable and integrated management of the State's water resources. The objects of the WM Act are to provide for the sustainable and integrated management of water sources for the benefit of present and future generations, having regard to the environmental, social, cultural and economic values of water.

The WM Act establishes a comprehensive framework for the allocation, use, management and protection of surface water and groundwater across New South Wales, including through the preparation of Water Sharing Plans, the regulation of water access licences, and the control of activities that may impact water resources or waterfront land.

Of particular relevance to the proposed development, the WM Act provides for the following approvals that may be required where development involves works on or near waterfront land or impacts groundwater:

- Controlled Activity Approval (CAA): Required under Sections 89–91 of the WM Act for any controlled activity carried out on waterfront land, being land within 40 metres of the bank of a river, the shore of a lake, or the bank of an estuary. If works associated with the proposed development are within this buffer, a CAA must be obtained from the Natural Resources Access Regulator (NRAR) before those works commence.

The development would be sited further than 40 m from Black Waterholes Creek and Swamp Creek, and a CAA is not required. *Note: plans in Appendix 1 show a small portion of a detention dam closer than 40 m from the creek. The final positioning of the detention basin would be fully outside the 40m setback area.*

Consultation with Water NSW will be conducted as part of the EIS preparation.

6.3 Relevant State Environmental Planning Policies (SEPPs)

The following SEPP's are considered relevant to the site and the proposed development.

- State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP),*
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP),*
- State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP),*
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP),*
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP),*
- State Environmental Planning Policy (Exempt and Complying Development) 2008 (EC SEPP)*

A review of the site and proposal against the mandatory requirements of the above-noted SEPPs (where applicable) is provided in **Table 4**.

Table 4: SEPP Compliance Table

SEPP	Consideration
PS SEPP	Under Schedule 1, Section 25 of the Planning Systems SEPP, development for the purpose of data centres that have a total power consumption of more than 15 megawatts is classified as SSD, as stated by the following: <i>25 Data centres</i> <i>(1) Development for the purpose of storage premises used for the storage of data and related information technology hardware that has a total power consumption of more than the relevant amount.</i> <i>(2) In this section — relevant amount means—</i> <i>a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—10 megawatts, or</i> <i>(b) for any other development—15 megawatts.</i>

	The proposed data centre on the site will have a total power consumption of 540 MW and, accordingly, is to be assessed as an SSDA.
T&I SEPP	- Section 2.48 Electricity transmission and distribution infrastructure impacts will be assessed. An Infrastructure Delivery Plan will accompany the EIS and address the power supply, substation connection and general transmission requirements. - Section 2.122 Traffic-generating development will be assessed. A TIA will accompany the EIS to provide a detailed assessment of the cumulative impacts of the construction and operation of the proposed data centre.
R&H SEPP	- Section 3.10 Potentially hazardous or offensive development will be assessed as part of the SSDA. A Preliminary Hazards Analysis (PHA) will be provided to assess the hazards, emissions, and risks associated with a data centre development. - Section 4.6 Contamination and remediation will be assessed as part of the SSDA. The site has undergone substantial remediation, as discussed previously in this report. A Site Audit Statement has been issued for the site, determining it is suitable for commercial or industrial purposes.
B&C SEPP	Chapter 2: Vegetation in non-rural areas will be assessed as part of the SSDA. A Landscape Plan will be provided with the EIS.
Sustainable Buildings	An Ecologically Sustainable Design (ESD) Report will be prepared in accordance with the Sustainable Buildings SEPP and submitted with the development application. The ESD Report will address the non-residential development requirements under Section 3.2 and the additional requirements for large industrial development under Section 3.3, and will include: - a NABERS embodied emissions assessment; - greenhouse gas emissions modelling; - climate risk and resilience analysis; - operational performance targets; and - water sensitive urban design (WSUD) measures.
EC SEPP	A complying development certificate (CDC) application is foreshadowed to permit early works, including the construction of an industrial building, parking areas, landscaping and the substation. Following completion of the works under the proposed CDC application, the internal fit-out of the data hall would proceed under the proposed SSD. The components of the overall development pursued under CDC are shown in Figure 11 .

6.4 Cessnock Local Environmental Plan 2011 (CLEP)

The principal EPI applying to the site is Cessnock Local Environmental Plan 2011. The relevant provisions are outlined in

Table 5: Compliance with CLEP

Provision	Comment
Zone and Objectives	<u>E4 General Industrial zone objectives:</u> <i>To provide a range of industrial, warehouse, logistics and related land uses.</i>

- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

E5 Heavy Industrial zone objectives:

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

Data Centres are permissible within both the E4 and E5 zones, and the proposal would not be contrary to the zone objectives.

4.3 Height of Buildings The site is not subject to a maximum building height.

4.4 Floor Space Ratio The site is not subject to a maximum Floor Space Ratio (FSR).

5.10 Heritage Conservation The site does not contain any heritage items; however, it is in proximity to heritage items to the east of the site, identified as the 'South Maitland Railway System' (I212).

5.11 Bush Fire Hazard Reduction The site is mapped as bushfire-prone land in the following categories:

- Vegetation Category 1
- Vegetation Category 2
- Vegetation Buffer

The EIS will include a Bushfire Impact Assessment prepared in accordance with the *Planning for Bushfire Protection 2019* (PBP) document.

5.21 Flood Planning In accordance with Council's online mapping tool, portions of the site are subject to the 1-in-100-year ARI (1% AEP) flood event. A Flood Impact Assessment (FIA) would be prepared to inform the EIS.

Part 6 – Urban Release Areas

6.2 Public Utility Infrastructure A Services Delivery Plan will be prepared to inform the EIS and meet the requirements of this clause.

6.3 Development Control Plan Part E, Chapter 20: Regrowth Kurri Kurri of the Cessnock Development Control Plan 2010 has been adopted by Cessnock City Council to satisfy this clause.

7.1 Acid Sulfate Soils The site is not mapped as containing Acid Sulphate soils.

7.2 Earthworks Detailed civil works plans, including cut and fill plans, will be provided with the EIS.

7.14 Essential Services Refer to Clause 6.2 above.

6.5 Cessnock Development Control Plan

Part E, Chapter 20 of the Cessnock Development Control Plan 2010 (CDCP 2010) was prepared concurrently with the gazettal of the Kurri Kurri Masterplan to satisfy Clause 6.3 of the Cessnock Local Environmental Plan 2011 (CLEP 2011). Chapter 20 applies to the site, and the relevant controls are identified in Table 6 below.

While DCPs do not apply to SSD, the relevant controls nonetheless provide useful guidance on the intended development outcomes for the site and will be considered by the consent authority in its assessment of the application.

Table 6: DCP Compliance

Control	Specific	Comment
Built Objectives	Form - To achieve functional and attractive environments. - To minimise the impact of large expanses of walls and create visual interest. - To provide clear entry points to buildings. - To provide for convenient and legible access by vehicles and pedestrians. - To minimise conflict between vehicles and pedestrians. - To reduce the dominance of building frontages in the streetscape. - To locate site servicing infrastructure and equipment away from public view.	The objectives of the DCP chapter would be achieved in the detailed design of the proposal.
Building Setbacks	- Front – 10m - Side and Rear – on merit - Corners – 10 m on both frontages	The concept plans in Appendix 1 contain setbacks that meet this requirement.
Landscaping	- Landscaping to be provided within the building setbacks. Specifics for landscaping features in the front setback are outlined below. - Landscaping must include installation and maintenance of at least one advanced clear-trunked broad canopy tree for every 20m² of front setback area. - The deep soil volume for each tree in the front setback area must be a minimum of 8m² and between 600 and 750mm deep. - Each area allocated to tree planting must have a corresponding clear air space that	The EIS will include a detailed Landscape Plan that meets the requirements of DCP.

	is at least eight metres high and six metres in width. ▪ All trees installed must be advanced stock, and at least 45L container size. ▪ Understory planting must comprise low-growing species less than 900mm in height. ▪ Landscaping must be provided in the car parking areas.	
Parking	The DCP does not include a specific car parking rate for 'high tech industry' or 'data centre'.	N/A
Biodiversity	Subdivisions are to be designed with consideration of movement of native fauna within and through wildlife corridors by: ▪ Ensuring development, services and landscaping design do not create barriers to the movement of fauna along and within wildlife corridors ▪ Managing fauna from potential construction hazards through the preconstruction and construction process.	Subdivision is not proposed.
Stormwater and Water Quality	Future development is to include a water cycle management strategy, including provision for onsite stormwater detention.	The EIS will be informed by a water-cycle management strategy that includes stormwater detention.
Flood Planning	Figure 4 of the DCP contains the relevant flood planning levels subject to the Probable Maximum Flood (PMF) event.	An FIA would be provided with the EIS.
Contamination Remediation	Site remediation and validation reports approved by a site auditor are required for any land in the E4 and E5 zones.	A Site Audit Statement has been prepared for the site.
Traffic Generation and Upgrades	Prior to development of the employment land exceeding a total floor area equivalent to 50% of the employment land zoning, and unless otherwise agreed in writing by TfNSW, a continuous local road connection linking Hart Road to the Maitland LGA must be in place.	The site area does not exceed 50% of the employment land zoning and therefore, the road connection works are not warranted.

7 Strategic Planning Context

This section provides a review of the strategic planning context relevant to the site and the development. In summary, the proposal is aligned with the strategic and economic development framework in place in the region and LGA.

7.1 Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* (NSW Government, 2022) establishes the strategic land-use framework for the Hunter region, providing direction for continued economic growth, diversification, and liveability across one of Australia's most productive and diverse regional economies. A key focus of the Plan is facilitating a transition to net-zero emissions while preserving and strengthening the Hunter's position as the leading regional economy in Australia.

Relevant Strategic Objectives

The following objectives of the Hunter Regional Plan 2041 are directly relevant to the proposed Data Centre development at the former LPS site:

- **Objective 1 — Diversify the Hunter's mining, energy and industrial capacity:** The site presents a significant opportunity to attract employment-generating industries to the Hunter region. The proposed Data Centre directly supports this objective by facilitating the transition of an existing industrial landholding to a new, high-value land use.
- **Objective 8 — Plan for Businesses and Services at the Heart of Healthy, Prosperous and Innovative Communities:** A large-scale data centre is a critical piece of digital infrastructure that underpins the knowledge and innovation economy the HRP 2041 seeks to foster. Data centres directly enable the digital economy activities, cloud computing services, artificial intelligence workloads and advanced manufacturing systems that the HRP 2041 identifies as the Hunter's emerging economic specialisations.

Regionally Significant Growth Area

The Hunter Regional Plan 2041 specifically identifies the former Hydro landholdings as a **Regionally Significant Growth Area**, recognising the closure of the smelter as a catalyst for the establishment of an industrial hub.

Consistency with the Plan

The proposed data centre development is consistent with the strategic vision articulated in the Hunter Regional Plan 2041. The establishment of a Data Centre and associated industrial energy uses on the former LPS site gives effect to the Plan's identification of the site as a

Regionally Significant Growth Area and supports the realisation of an Industrial Energy Hub or other high-value beneficial use. The decommissioning and remediation of the LPS site are being undertaken to ensure the land is suitable to accommodate future development, subject to the grant of separate development approvals, in a form consistent with the strategic intent of the Hunter Regional Plan 2041.

7.2 Hunter Regional Economic Development Strategy 2018 - 2022

The *Hunter Regional Economic Development Strategy 2018–2022* (the Strategy) was developed collaboratively with local councils — including Cessnock City Council — key stakeholders and the broader regional community, with support from the NSW Government's Centre for Economic and Regional Development (CERD). The Strategy establishes a long-term economic vision for the Hunter Functional Economic Region and identifies the strategies and actions required to achieve that vision.

A data centre development on the former Hydro site is directly consistent with the strategic intent and priorities of the Strategy in the following respects:

- The strategy identifies the need to diversify the region's economy to build resilience. A new Data Centre on the site would introduce a high-value, technology-driven industry to the Hunter-Upper subregion, reducing reliance on legacy energy and mining sectors and contributing to long-term economic diversification.
- The introduction of a data centre as a new industry in the Kurri Kurri area would create skilled direct and indirect employment opportunities, attracting new investment to a subregion that is particularly exposed to the economic impacts of the energy transition and the gradual wind-down of the coal sector.
- The strategy identifies that infrastructure endowments play a key role in the region's economic development. The site has several existing infrastructure endowments that make it well-suited to data centre operations.
- The Strategy's emphasis on innovation, resilience and connectivity aligns with the nature of Data Centre development as a knowledge and technology-intensive land use.

7.3 Cessnock Local Strategic Planning Statement

The Cessnock Local Strategic Planning Statement (CLSPS) highlights the region's key attributes, including its natural beauty and rich biodiversity. This strategy is positioned within the context of the Hunter Regional Plan 2016-2036. Several applicable planning priorities related to the proposed Data Centre are identified:

Planning Priority 7 — Urban development is encouraged in areas with existing infrastructure

The data centre would make efficient use of the legacy infrastructure associated with the former aluminium smelter.

Planning Priority 13 — Our industrial land is developed in an orderly manner and meets future development needs

The subject site has been rezoned to E4 General Industrial and E5 Heavy Industrial under the Cessnock LEP 2011 as amended by PP-2021-477, and DCP Chapter E20 has been adopted to guide development across the precinct in an orderly manner. The proposed data centre is consistent with Planning Priority 13 as it represents the orderly and planned development of industrial land within an established precinct.

Planning Priority 14 — Our industrial land fosters economic growth, business diversity, and employment opportunities

A large-scale data centre will deliver significant construction and operational employment, attract associated technology and logistics industries, and contribute materially to the economic diversification of the Cessnock LGA.

7.4 Contributions Obligations

Housing and Productivity Contributions

The Housing and Productivity Contribution (HPC) has commenced the repeal of Regional and State Infrastructure Contribution (SIC) levies. The HPC applies to industrial development and includes a contribution of \$16.22 (indexed as of 1 October 2025) per sqm of new Gross Floor Area (GFA).

The HPC applies to development applications for new residential, commercial, and industrial development in the Greater Sydney, Illawarra-Shoalhaven, Lower Hunter, Greater Newcastle, and Central Coast regions. Cessnock falls within the Lower Hunter, and therefore, the HPC applies to the development.

Cessnock City Council Section 7.12 Plan

The Cessnock S7.12 City Wide Infrastructure Contributions Plan applies to the site. Any future development will require consideration of contributions. Contributions are generally payable prior to the issue of a relevant Construction Certificate and required to be paid in full (unless otherwise proposed to be staged).

Development across the site would be subject to a contribution rate of 1% of the cost of works for development exceeding \$200,000.

Infrastructure Opportunities Plan – Lower Hunter and Greater Newcastle

The Infrastructure Opportunities Plan – Lower Hunter and Greater Newcastle (DPHI, February 2026) sets out the state and regional infrastructure required to support planned housing growth across the region in the short- to medium-term.

Table 1 of the Plan identifies infrastructure projects within existing funding commitments. A review of this table indicates that no committed projects are directly applicable to the site or its immediate surroundings. However, several upgrades to the broader Hunter Expressway corridor have been identified that could improve the safety, capacity, and efficiency of the road network, thereby benefiting access to and from the proposed Data Centre.

8 Impact Assessment Approach

This section outlines the key environmental impacts to be investigated and assessed in the EIS, together with the proposed methodology for each matter. It also identifies issues considered during the scoping phase that are unlikely to have significant impacts and do not require further assessment in the EIS.

8.1 Matters to be Addressed in EIS

Matter	Consideration
Cost of Development	An estimated development cost (EDC) Report for the development, prepared in accordance with the relevant planning circular and using the Standard Form of EDC Report, would be prepared. The Report would also further refine the development's potential employment generation.
Built form and Urban Design	The proposal includes a two-storey data centre building with a height of 16.8m. Concept plans are provided in Appendix 1. The built form would be typical of a data centre development and is sympathetic to the existing and future industrial context of the area. Decorative screening has been utilised in the concept plans to screen the PTUs from Hart Road. Detailed design plans will be provided in the EIS to ensure the development is visually appealing from the surrounding public domain. The height and scale of the development are not expected to be overly visible to nearby visual receptors outside the emerging industrial area. Landscaping at the boundaries would be utilised to soften the development's appearance from Hart Road, increase shade, and reduce heat island effects. The EIS will include detailed Architectural Plans, an Urban Design report and a BCA Compliance Report.
Visual Impact	The site is in a remote area with extensive buffer zones, and corridors of native vegetation have been established as part of the former smelter operations. The visual context of the locality currently comprises degraded, remediated landscapes, the newly constructed power station, and some retained former smelter buildings. The nearest visual receptors outside the emerging industrial precinct are located to the southeast of the site, on McLeod Road and Bowditch Road. Significant corridors of vegetation screen the site and the emerging industrial precinct from most directions. Visual impacts will be assessed through a Visual Impact Assessment (VIA), including impacts on key viewpoints, vistas, and overall visual amenity, with regard to the proposed landscaping, building design, and associated works.

The VIA will consider the scale of the data centre and modified topography as observed from a range of publicly accessible viewpoints, including:

- Surrounding road network, including Hart Road.
- Hunter Expressway.
- Kurri Kurri Speedway Club.
- TAFE NSW Kurri Kurri.

The VIA will be informed by fieldwork and include photomontages prepared from surrounding viewpoints.

Traffic and Access	Vehicle access to the site is available from Hart Road, which connects to the Hunter Expressway. A Traffic Impact Assessment (TIA) will be prepared to evaluate existing traffic conditions, site access and parking arrangements, and the road network's capacity to cater for the development. The assessment will have regard to previous traffic assessments prepared for the site and surrounding landholdings, as well as the infrastructure obligations set out in the draft Planning Agreement between the existing landowners and the Minister for Planning and Public Spaces. The TIA will determine whether the traffic impacts generated by the development trigger the road infrastructure upgrade obligations detailed in that agreement.
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Biodiversity	The site has been predominantly cleared due to past industrial uses, remediation, and demolition works. The site has a long history of biodiversity assessments to facilitate the demolition and remediation of the former smelter site and the rezoning and redevelopment of the site and broader former Hydro landholdings, including:
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- SSD 6666 – Ecological Assessment (pre *Biodiversity Conservation Act 2016*) – Hydro Aluminium Kurri Kurri Smelter Remediation and Demolition, 2016, prepared by Ecological Australia.
- DA8/2023/85 – BDAR – Regrowth – Kurri Kurri – Industrial Subdivision Stage 1 and 2, 2023. Prepared by GHD.
- Biodiversity Certification Assessment Report, April 2025, prepared by GHD
- Biodiversity Stewardship Site Assessment Report - Kurri Sands Biodiversity Stewardship Sites, 17 April 2026, prepared by GHD.

Collectively, these assessments and reports have determined that the entire proposed developable area of the site has been cleared of native vegetation and that no offsetting is required to facilitate the development footprint. Advice from an Ecologist (GHD) will be obtained to determine whether the extensive biodiversity assessments, site surveys, and investigations can be relied on or whether a waiver should be pursued.

Aboriginal Cultural Heritage	The site has also had a long history of Aboriginal Cultural Heritage Assessment reporting (ACHAR) to facilitate the demolition and remediation of the former smelter site and the rezoning and redevelopment of the site and broader former Hydro landholdings, including most recently: DA8/2023/85 – Aboriginal Cultural Heritage Report, Jul 2023, prepared by AMAC Archaeological. The above-noted report was prepared to facilitate the subdivision of the site and surrounding land into industrial allotments. The ACHAR noted there is one registered site located on the southwestern boundary of the site: AHIMS Site 37-6-3070, identified in 2014 and consisting of two artefacts, both complete flakes (1 x silcrete, 1 x silicified tuff), which are located approximately 40m apart. The southernmost of the two artefacts is situated directly adjacent to the main security fence of the former smelter complex. The ACHAR recommended that an application be sought for an Aboriginal Heritage Impact Permit (AHIP) prior to works commencing. The Applicant would seek DPHI's and the Department of Climate Change, Energy, the Environment and Water (DCCEW) concurrence that the findings and recommendations of the above-noted ACHAR, which apply to the entire site, can be relied on to facilitate the proposed development and avoid commencing the process again. A suitably qualified and experienced heritage consultant, demonstrating compliance with the recommendations contained in the Aboriginal Cultural Heritage Assessment Report, prepared by AMAC Archaeological, dated 17 July 2023, would be provided to the Department and DCCEW prior to the commencement of works for the works associated with the SSD. The location of the artefacts requiring an AHIP is outside the boundaries of the proposed CDC works.
Hazard and Risks	A Preliminary Risk Screening will be prepared in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021 and the Applying SEPP 33 Guidelines (Department of Planning, 2011). The screening will identify the classification, storage and handling quantities, and location of all dangerous goods and hazardous materials associated with the development. A Preliminary Hazard Analysis (PHA) will also be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (Department of Planning, 2011) and the Multi-Level Risk Assessment (Department of Planning, 2011). The relevant provisions of FM Global Property Loss Prevention Data Sheet 5-32 – Data Centres and Related Facilities will also be considered and implemented where appropriate.
Fire	FRNSW position statement on lithium-ion batteries and diesel generators in data centres mandates that rooms containing lithium-ion battery (UPS) systems be isolated from the rest of the building by fire-rated construction. The

recommended fire-resistance level is 240/240/240 for load-bearing components and -/240/240 for non-load-bearing components, with no supported reduction in these levels.

For suppression, FRNSW recommends a sprinkler system verified against representative large-scale fire test data for energy storage system groups exceeding 50 kWh, or otherwise designed to relevant international standards appropriate to the battery capacity, chemistry and configuration. Detached structures containing vertically stacked diesel generators and/or diesel tanks must be provided with appropriate fire safety measures — including adequate structural fire resistance, separation from fire source features, suppression and firefighting equipment, and measures to support occupant life safety and fire brigade intervention — with FRNSW considering such structures to resemble a Class 8 use rather than a Class 10 structure.

The above FRNSW positions will be reflected in the design and fire safety strategy for the proposed data centre.

Air Quality	An Air Quality Impact Assessment will be prepared to support the EIS, addressing both the development's construction and operational air quality impacts. The assessment will have particular regard to the site's relatively remote location and the proposal's use of Power Train Units (PTUs) in lieu of conventional diesel-fired emergency generators, which is expected to result in a materially reduced air-quality impact profile compared to a conventional data centre configuration.
Noise and Vibration	A Noise and Vibration Impact Assessment (NVIA) will be prepared as part of the EIS to assess the construction and operational noise and vibration impacts of the development, including cumulative impacts on nearby and future residential receivers to the southeast. The assessment will be prepared in accordance with the NSW EPA Noise Policy for Industry, the Interim Construction Noise Guideline and the Road Noise Policy. Construction and operational noise levels will be predicted at the nearest sensitive receivers and assessed against the applicable legislative and policy requirements. A three-dimensional SoundPLAN model of the operational facility will be developed, incorporating plant sound power levels and site topography, to demonstrate compliance with relevant noise limits. Although unlikely given the site's relatively remote location, should exceedances be identified, mitigation measures will be established and refined. The assessment will also inform mechanical and electrical design by establishing noise control requirements and maximum allowable sound power levels for key plant items, including PTUs and chillers.
Ecologically Sustainable	The design of the data centre, from its early conception, has been informed by industry-best-practice ESD design principles. An ESD Report will

Development (ESD)	accompany the EIS to identify how ESD principles (as defined in Section 193 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development. The report will also demonstrate how the development will meet or exceed the relevant industry-recognised building sustainability and environmental performance standards, including an annualised Power Usage Effectiveness (PUE) of 1.35 at 100% IT load and a minimum NABERS rating of four stars. The report will also identify the projected Water Usage Effectiveness (WUE) for the development, compared against recognised 'best practice' benchmarks. The report will demonstrate how the development minimises greenhouse gas emissions and consumption of energy, water (including water sensitive urban design) and material resources. Finally, if Chapter 3 of SEPP (Sustainable Buildings) 2022 applies, the report will demonstrate how the development has been designed to address the provisions set out in Chapter 3.2(1) and will be accompanied by a NABERS Embodied Emissions Material Form to disclose the amount of embodied emissions attributable to the development in accordance with section 35BA of the EP&A Regulation.
Groundwater and Soil Conditions	A Geotechnical Report will accompany the EIS to confirm site ground and groundwater conditions, identify any residual excavation or stability risks, and inform detailed engineering design where required.
Flooding	The siting and design of the development (refer to Appendix 1) have been informed by existing Flood Impact Assessment Reports prepared for the site and surrounding landholdings, as well as the Cessnock Citywide Flood Study 2021. The concept design does not locate any buildings or infrastructure within a floodway, and the data hall, chiller farm and substation buildings are proposed outside flood storage areas. A site-specific FIA will be prepared to support the EIS and to confirm the final siting and design of the development.
Social Impacts	A Social Impact Assessment will be prepared to support the EIS in accordance with the <i>Social Impact Assessment Guidelines for State Significant Projects</i>. The assessment will address the proposal's social and economic impacts and benefits.
Stormwater	Detailed stormwater designs and management plans prepared in accordance with Council's DCP and Engineering Guidelines will be provided to inform the final design of the development.
Contamination and Remediation	The EIS will summarise the remediation works and Site Audit reporting that have been carried out for the site. No additional contamination investigations will be carried out. A Site Audit Statement (No. 2015/01a, signed 21 December 2021) and accompanying Site Audit Report (No. 60342271, dated 20 December 2021)

have been prepared for Precinct 3 (including the site) by EPA-accredited Site Auditor Ross McFarland (Accreditation No. 9819) of AECOM Australia Pty Ltd, with the underlying investigation, remediation and validation works undertaken by Ramboll Australia Pty Ltd. Precinct 3 comprises approximately 109.04 hectares of the former Hydro Aluminium Kurri Kurri smelter site at Hart Road, Loxford (Cessnock City Council). The statutory audit was completed under Section A1 of the NSW Site Auditor Scheme, with the auditor certifying that the site is suitable for commercial/industrial use, assessed against the 2013 ASC NEPM commercial/industrial land-use scenario. The auditor concluded that no ongoing environmental management plan (EMP) is required for the site and the SAR did not identify any capped contamination within the site or immediate surrounding areas (noting that the containment cell is located 280 m to the north-west of the site – no containment cell infrastructure would be impacted by the proposal).

Notwithstanding the unconditional suitability finding, the auditor made some recommendations relevant to the construction phase, including that a Construction Environmental Management Plan (CEMP) should be prepared by a suitably qualified environmental consultant and provided to the civil works contractor immediately prior to the commencement of any civil works. On this basis, the contamination status of Precinct 3 does not present an impediment to the proposed development, subject to the preparation and implementation of a CEMP during construction and additional contamination investigations are not warranted.

Infrastructure and Servicing

The site is located to the northeast of an existing AusGrid 132 kV overhead transmission line. The proposal includes a connection to this infrastructure via a new overhead line from the nearest connection point on the transmission line to the site. There is an existing transmission line easement over the overhead line, including a portion within the site.

Hunter Water-owned water and sewer infrastructure is located within Hart Road. The proposal would utilise dry chiller technology for data hall cooling, significantly reducing water consumption compared to conventional evaporative cooling systems. As a result, connections to the reticulated water supply would primarily be required for staff amenity purposes. Engagement with Hunter Water will be undertaken during the detailed design phase and preparation of the EIS to confirm hydraulic demands.

The EIS will be supported by an Infrastructure Delivery and Staging Report identifying servicing requirements and any necessary adjustments.

Bushfire Risk

The site is mapped as bushfire-prone land. A Bushfire Risk Assessment will be prepared to support the EIS, identifying applicable hazards and appropriate mitigation measures. The assessment will address building design, siting, and the protection of critical infrastructure, as well as operational measures, including asset protection zones, emergency access, and firefighting water

supply. The assessment will be prepared in consultation with the NSW Rural Fire Service.

9 Engagement

9.1 Engagement To Date

Department of Planning, Housing, and Infrastructure

A pre-scoping meeting and correspondence regarding the proposal occurred with Department staff in early June 2026. The key areas of discussion included the following:

- Details and scope of the proposal.
- The proposed height, bulk and scale.
- Impacts to the adjoining sensitive land uses.
- Power consumption.
- Opportunity to rely on a CDC application for site preparation works, infrastructure installation and the construction of the main industrial building to be converted to a data centre.
- Confirmation of the planning approval pathway.

As a consequence of this engagement, the proposal is considered to require project-specific SEARs given the scale of development.

McCloy Group

Detailed and ongoing engagement has occurred with the existing landowners of the site and the surrounding former Hydro landholdings. Discussions have centred around several key topics and issues, including:

- The DA for the subdivision of land, which is outstanding, Planning Agreement obligations and the BDAR and ACHAR submitted with the application, which covers the entire site.
- Service availability.
- Status of biocertification process.
- Staging and development timeframes for the broader landholdings.
- Remediation of the site.

9.2 EIS Engagement

This section of the Scoping Report identifies the relevant stakeholders and sets out the consultation and engagement that will be carried out prior to the lodgement of the EIS.

Relevant Stakeholders

The following stakeholders are identified, having regard to the nature of the proposal and its impact and/or interest:

- The Department of Planning, Housing and Infrastructure
- Cessnock City Council (Council)
- NSW Government Agencies, including:
 - NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), Water Group;
 - NSW Environment and Heritage - Biodiversity, Conservation and Science;
 - Environment Protection Authority;
 - Transport for NSW;
 - NSW Rural Fire Services;
 - Fire and Rescue NSW; and
 - NSW State Emergency Services;
- Service providers including:
 - Hunter Water Corporation
 - Ausgrid
 - Transgrid
 - National Broadband Network (NBN);
- Surrounding landowners, businesses and stakeholders;
 - Kurri Kurri Power Station
 - TAFE NSW
 - Hydro Aluminium Kurri Kurri Pty Ltd
- Mindaribba Local Aboriginal Land Council and Aboriginal Stakeholders,
- Local & regional community groups, and
- Residential properties and landowners in proximity of the site.

It is recognised that effective engagement with stakeholders and the community will be crucial for designing and delivering the best possible outcome for the site. The Proponent is committed to engagement with Council, NSW Agencies, the Department, Service providers, Aboriginal Stakeholders, and the community. TAFE NSW Kurri Kurri Campus, residential properties in the locality, and surrounding properties are a high priority for engagement, and the Proponent is committed to ensuring the local community and the surrounding landowners are aware of and can comment on the proposal.

A Community and Stakeholder Engagement Outcomes Report will be prepared in accordance with the *Undertaking Engagement Guidelines for State Significant Projects, March 2024* and accompany the EIS. Further, the proposal will be subject to the statutory public exhibition process, which will

provide an additional opportunity for agencies and members of the public to submit comments. An Indicative engagement area map has been provided at **Figure 17**.

Key objectives of the engagement process will be to:

- Inform the local community and key stakeholders about the proposal;
- Facilitate meaningful and accessible engagement where stakeholders are given opportunities to provide feedback about the proposed development;
- Provide opportunities for stakeholders to influence outcomes by considering and responding to stakeholder feedback; and
- Present outcomes from the engagement in a format that demonstrates consistency with the Undertaking Engagement Guidelines for State Significant Project.

The following is an indicative engagement methodology:

- Preparation of a community newsletter;
- Formal engagement with Council and relevant agencies and authorities;
- Online social impacts community survey;
- Letterbox drop of newsletter to community, emails to key stakeholders and agencies/authorities;
- Engagement to the surrounding industrial area, adjoining landowners and key stakeholders;
- Actively engage with local business community; and
- Raise awareness with and seek feedback from the surrounding community.

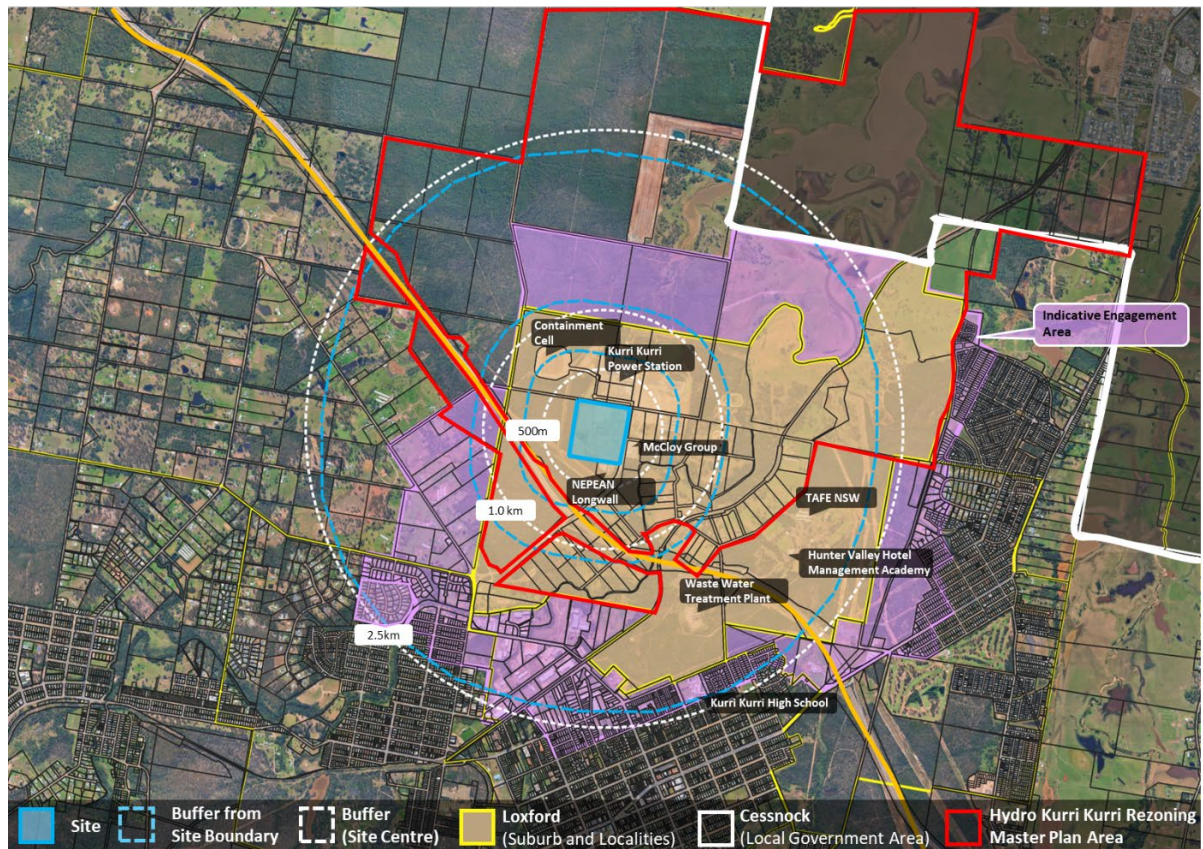


Figure 17: Indicative Engagement Area (Source: Willowtree Communication 2026)

Potential Stakeholder Concerns

As the proposed project is located within the former Hydro Aluminium Smelter Site, stakeholders, including former employees and nearby residents, are likely to have an interest in the new development. Key areas of potential community interest are as follows:

- Construction and operation impact such as noise, vibration, dust & air quality,
- Energy and water use concerns
- Visual impacts
- Change of character or identity in the area
- Employment opportunities
- Traffic during construction and operation
- Health impacts

The community and stakeholder engagement strategy will ensure that the concerns are heard, understood and considered throughout the process and will be detailed as part of EIS.

10 Conclusion

The proposed Kurri Kurri Data Centre represents a significant and strategically justified reinvestment in a comprehensively remediated former heavy industrial site. It directly supports the economic diversification and regeneration of the Hunter Region, delivers critical digital infrastructure, and will generate meaningful employment during both construction and operation.

The development is permissible within the applicable planning framework, broadly consistent with local and regional strategic objectives, and supported by a site-specific environmental context that presents limited constraints on development. The adoption of best-practice infrastructure technologies, including dry air chillers and PTUs, demonstrates a strong commitment to environmental responsibility and operational sustainability.

This Scoping Report has been prepared to assist DPHI in issuing project-specific SEARs to guide the preparation of a comprehensive EIS. The Applicant is committed to ongoing and meaningful engagement with DPHI, Cessnock City Council, relevant government agencies, and the broader community throughout the assessment process.