2 July 2026

The Department of Planning, Housing and Infrastructure

Contact: Chris Dwyer
Our Ref: DA 52/2026/6/1
Your Ref: SSD-128819490

Attention: Patrick Copas

Dear Patrick

Request for Comment – Draft SEARs – SSD-128819490
Kurri Kurri Data Centre, Hart Road, Loxford

Thank you for the opportunity to comment on draft SEARs for the Kurri Kurri Data Centre proposed by ADW Johnson Pty Ltd at Lot 4 DP 1314331, Hart Road, Loxford.

Council has reviewed the following documents:

- Scoping Report – Kurri Kurri Data Centre. SKM Planning. 16 June 2026; and
- Draft SEARs – Kurri Kurri Data Centre - DPHI Ref SSD-128819490

The proposed development comprises:

- Data Centre with associated infrastructure and ancillary offices
- 500 construction jobs and 250 full-time operational jobs
- Main building housing data halls, lobby, office space – 44,320m^2 and two storeys or 17.8 metres high
- Electricity demand of 540MW – 24/7 operation
- 336 air-cooled chillers - dry chilling technology (not water cooled)
- 10 emergency backup diesel generators and diesel storage
- Two substations and connection to existing electricity grid
- Internal access road and 160 carparking spaces
- Security fencing, landscaping and ancillary storage areas

Site access is proposed from Hart Road, which connects to the broader regional road network through the Hunter Expressway.

The Scoping Report and draft SEARs appear to address most environmental planning issues arising from the proposal, however the following matters are raised to assist DPHI in developing comprehensive SEARs.

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Strategic Planning

Development Control

Cessnock Development Control Plan 2010 (CDCP) Chapter E20: Regrowth Kurri Kurri[1] applies to the subject site.

The Scoping Report acknowledges DCPs do not generally apply to SSDs, however for this proposal the guidance and detail within the CDCP is considered beneficial to both the design approach and assessment of the Data Centre. It is suggested that the CDCP be included in draft SEARs requirements if possible. The main issues raised by the CDCP are the integration of the proposal with adjoining development, biodiversity offset, service provision, and road design.

Servicing

To facilitate development in the southern parts of the precinct, major upgrades are required to the Kurri Kurri Wastewater Treatment Plant[2]. Initial connections are predicted within the next 10 years.

The air cooled technology to be utilised by the proposal is acknowledged, however there appears to be future opportunities to utilise water for cooling in later stages of the data centre's development. It is unclear whether the Hunter Water Growth Plan (2025) has considered water consumption requirements predicted by the proposed land use. Further consultation with Hunter Water is required and upgrades necessary undertaken prior to development or adequate arrangements in place to ensure this upgrade occurs prior to development. It is noted that the draft SEARs require consultation with Hunter Water.

Biodiversity

The CDCP recognises the preparation of a Biodiversity Certification Assessment Report (BCAR) for the precinct. It is understood that the BCAR is imminent, but until this is conferred the CDCP requires alternate assessment methodology that may be required where a development triggers entry into the Biodiversity Offset Scheme. The development site is identified for conferral of Biocertification, as per the imminent BCAR.

The vegetation on the western boundary of the site is identified on the Biodiversity Values Map. Entry to the Biodiversity Offset Scheme is triggered by the map in the absence of the BCAR being finalised. The Biodiversity Development Assessment Report (BDAR) identified in the Scoping Proposal may require re-evaluation.

Access and Road design

The CDCP reflects the requirements of Transport for NSW (TfNSW) to provide a continuous road linking the employment area of the precinct to remainder of the precinct (to connect to development in the Maitland LGA and access to Main Road) prior to 50% of the employment land being developed. This trigger should be assessed as part of the development and relevant arrangements made.

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[1] *CDCP 2010 Chapter E20: Regrowth Kurri Kurri https://www.cessnock.nsw.gov.au/files/assets/public/v/1/hptrim/website-plans-strategies-do-not-change/57-2023-1-1-_-regrowth-kurri-dcp-_-flood-management-amendments-final-effective-9-10-2024-_-ccc-website-doc.pdf*

[2] *Hunter Water Growth Plan 2025 https://www.hunterwater.com.au/documents/assets/src/uploads/documents/Building-and-development2/growth-maps/Growth-Plan-2025.pdf*

The site is situated on a proposed industrial entry boulevard (per Figure 6). Relevant design requirements are provided in the CDCP.

It is noted that the draft SEARs require an analysis of statutory and strategic context. We would suggest if possible, the addition of the following documents to be included in any EIS, being the Cessnock LSPS, Cessnock LEP 2011, Cessnock DCP 2010, the Hunter Water Growth Plan 2025 and any BCAR in draft or final form.

Local Developer Contributions

The draft SEARs satisfactorily address development contributions. For DPHI's information, a total monetary contribution in accordance with the estimated development cost is to be paid to Council pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and Cessnock S7.12 City Wide Infrastructure Contributions Plan.

A copy of the S7.12 Levy Contributions Plan can be accessed on Council's website at www.cessnock.nsw.gov.au, or may be inspected at Council's Administration Building.

The amount of contribution payable under this condition is calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

However, if the applicant would like to approach Council to enter negotiations for a Voluntary Planning Agreement, Council would be more than happy to review an offer. For example, such an offer could be towards District Infrastructure in the Loxford Catchment Area.

Environmental Health

The draft SEARs may benefit from the requirement for an explicit acoustic assessment of low frequency and infrasound impacts. This type of noise can travel far and is a potential concern for residential receivers, even at 500m+ away. For infrasound, this may need to include specialised assessment outside normal acoustic scales.

Community

As identified in the Scoping Report, a Social Impact Assessment must be prepared in accordance with the *Social Impact Assessment Guidelines for State Significant Project*s. The creation of jobs during construction and throughout future operation may be a critical component to discuss when engaging with stakeholders and the community.

Community engagement will be of high importance to support an informed view of the proposed development. Given this is a relatively new form of development for the area, and the strong community ties to the area being the site of the former Hydro Aluminium Smelter, education around the function and impacts of data centres will be vital to ensure stakeholders, property owners in proximity to the development and the broader Kurri Kurri/Heddon Greta community feel they have sufficient information and their concerns are adequately addressed.

It is noted that the draft SEARs require community and stakeholder engagement.

Other matters

Council has been informed by the proponent of an initial Complying Development Certificate for the warehouse buildings for this development. Given the scale of this development and the applicant's accelerated timeframes, we seek DPHI's position on this approach.

Given the contracted timeframe for a response to the draft SEARs on a project of this scale a detailed review of the Scoping Report has not been undertaken. This response should be considered as initial high level feedback to assist DPHI in preparing draft SEARs, and not a comprehensive summary of all issues that may be raised by Council, elected Councillors and the community through the SSD assessment process in the future.

If you require any further information, please do not hesitate to contact Council's Executive Planner Chris Dwyer by email chris.dwyer@cessnock.nsw.gov.au or telephone 02 4993 4254.

Yours faithfully

Sue Page
Development Services Manager

DOC26/347497-2

2 July 2026

Patrick Copas
Principal Planning Officer
Department of Planning, Housing and Infrastructure

Via: NSW Major Projects portal

EPA's Recommended Secretary's Environmental Assessment Requirements
Kurri Kurri Data Centre – SSD-128819490

Dear Patrick

I am writing in response to your request for the NSW Environment Protection Authority's (EPA's) Secretary's Environmental Assessment Requirements (SEARs) for the proposed Kurri Kurri Data Centre project.

The EPA has reviewed the Scoping Report (Revision 3) prepared by SKM Planning dated 16 June 2026.

The EPA understand the proposal is for a 540MW data centre, involving:

- Diesel storage capacity of 270kL (approx. 230t),
- 10 diesel generators (2.2MW) for emergency stand-by plant,
- Use of 30 power transfer units (PTUs) and 276 short break units (SBUs) to support uninterrupted power supply,
- 336 dry air chillers.

Based on the available information, the proposal does not appear to constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act (POEO) 1997* and would not require an Environment Protection Licence (EPL).

The EPA has considered the details of the proposal and provides the recommended SEARs as **Attachment A** for consideration by the Department of Planning, Housing and Infrastructure, especially where development of the Environmental Impact Statement identifies the proposal is a Scheduled Activity.

The EPA also recommends the EIS consider the key areas and information requirements below:

1. Existing EPLs
   The site is subject to existing EPL 1548, issued to Hydro Aluminium Kurri Kirru Pty Ltd for Contaminated soil treatment. The site is also in proximity to premises regulated under EPL

21770, issued to Tomago Aluminium Company Pty Ltd for Waste storage and EPL 21627, issued to Snowy Hydro Ltd for Electricity generation.

The EPA notes the comments in the Scoping Report regarding these existing licences and advises the EIS should address whether it is intended to vary EPL 1548 to excise the proposed site. Further, consideration should be had where construction works are undertaken within licenced areas, as they will need to be undertaken in accordance with the relevant licence conditions until varied.

The EIS should also address whether the proposal will impact any operations within licenced premises, particularly those subject to EPL 21627, and whether there will be any impact to the licence conditions.

2. Air Quality
   The EIS should clarify all scenarios requiring use of diesel generators, including testing, emergencies, routine IT, substation or network maintenance, load shedding, grid firming or voltage disturbances and adequate allowance for unplanned use. The Air Quality Impact Assessment (AQIA) should provide appropriate modelling for reasonable worst case impacts during construction and operation.

   Calculation of generator operating hours should include all generator operation, including any warm-up or cool-down periods. Should operation of generators exceed 200hrs per annum, the proposal would need to comply with the Group 6 emission limits in the *Protection of the Environment Operations (Clean Air) Regulation 2022*, including the NOx limit of 450mg/Nm^3.

3. Noise

   As part of assessment of noise impacts, the Noise and Vibration Impact Assessment (NVIA) should address impacts during emergency operations and cumulative impacts with other land uses. Where impacts exceed Project Noise Trigger Levels (PNTLs), the NVIA should include a detailed assessment of mitigation measures against the feasible and reasonable framework in the Noise Policy for Industry (NPfI).

4. Cumulative impacts
   Due to the location of the site, the EIS should address potential for cumulative air and noise impacts, both during construction and operation. The EIS should also detail any proposed staging that may result in prolonged construction periods or overlapping construction and operational stages. These should be addressed in the AQIA or NVIA as appropriate.

In carrying out the assessment, the proponent should refer to the relevant guidelines listed, as well as any relevant industry codes of practice and best practice management guidelines. The Proponent should be made aware that any commitments made in the environmental assessment may be formalised as approval conditions and may also be placed as formal licence conditions.

If you have any questions about this request, please contact Carlos Ferguson via email at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely

SIMON JONES
Unit Head – Industry Assessments
NSW Environment Protection Authority

ATTACHMENT A

NSW EPA's Recommended Secretary's Environmental Assessment Requirements
Kurri Kurri Data Centre – SSD-128819490

1. Environmental Impacts of the Project

1.1. The description should include the following for both the construction and operation of the project:

a. Details of the premises covered by the project including any relationship with any existing Environment Protection Licences

b. the layout of all the physical elements of the project within the project area, including all buildings, structures, works, haulage activities, pollution controls, stockpile and material handling areas, sealed and unsealed areas, landscaping and open space.

c. all mitigation measures that will be built into the physical layout and design of the project (such as noise walls)

d. any ancillary infrastructure for which approval is being sought (such as upgrades to utilities or surrounding roads)

e. identify those components of the physical layout and design that may change during the detailed design of the project, and set clear limits within which this change may occur without requiring amendments to the DA or modifications to the development consent if the project is approved

f. plans showing the layout and design in plan-view and cross section.

1.2. Identify any likely interactions between the development and any existing/approved developments and land uses in the area.

1.3. Identify all sensitive receivers likely to be affected by the development using clear maps/plans, including key landform areas, such as conservation areas and waterways.

1.4. Identify all potential environmental emissions, assess the likely environmental impacts, and describe the proposed mitigation measures to minimise environmental pollution to achieve compliance with relevant environmental legislation, policies, and guidelines.

1.5. The EIS must accurately summarise the key findings of the detailed technical studies in the appendices of the EIS and use suitable cross-referencing to reduce repetition between the two parts of the EIS.

2. EPA Licensing and Approval Requirements

2.1. Identify all approvals and licences required under environment protection legislation including details of all scheduled activities under schedule 1 of the *Protection of the Environment Operations Act 1997.*

2.2. Outline how the proposal and its environmental protection measures would be implemented and managed so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).

3. Construction Works

3.1. The EIS must include detail of the construction works including:

a. any earthworks or site clearing; re-use and disposal of cleared material (including use of spoil on-site).

b. Identify, characterise and classify the following in accordance with the EPA's *Waste Classification Guidelines (2014)*:

i. all waste that will be generated onsite through excavation, demolition or construction activities, including proposed quantities of the waste;

ii. all waste that is to be removed to an offsite location, including proposed quantities. Include the commitment to ensure this waste is taken to a facility that can lawfully receive it.

Note: The EPA's W*aste Classification Guidelines (2014)* are available at: https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste

c. construction timetable and staging; hours of construction; proposed construction methods.

d. environment protection measures, including noise mitigation measures - in accordance with the Interim Construction Noise Guideline (DECC, 2009), dust control measures and erosion, and sediment control measures- in accordance with Managing urban stormwater: Soils and construction, vol. 1 (Landcom 2004).

3.2. Include a site diagram showing the site layout and location of environmental controls.

3.3. Construction noise associated with the proposed development should be assessed using the *Interim Construction Noise Guideline (*DECC, 2009). These are available at: https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/construction-noise

4. Air issues

4.1. The EIS must demonstrate the proposal's ability to comply with the relevant regulatory framework, specifically the POEO Act and the *Protection of the Environment Operations (Clean Air) Regulation 2022*. This consideration should include section 129 of the POEO Act concerning control of "offensive odour".

4.2. The EIS must include an air quality impact assessment (AQIA). The AQIA must be carried out in accordance with the document, *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2022). These are available at: https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/approved-methods-for-the-modelling-and-assessment-of-air-pollutants

4.3. The EIS must detail emission control techniques/practices that will be employed at the site and identify how the proposed control techniques/practices will meet the requirements of the POEO Act, *POEO (Clean Air) Regulation* (2022) and criteria within *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2022).

5. Noise and Vibration

The EIS must assess the following noise and vibration aspects of the proposed development:

5.1. Operational and construction activities on the premises that maybe considered vibration intensive should be assessed using the guidelines contained in the *Assessing Vibration: a technical guideline* (DEC, 2006). These are available at: https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration

5.2. If blasting is required for any reasons during the construction or operational stage of the proposed development, blast impacts should be demonstrated to be capable of complying with the guidelines contained in *Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration* (ANZEC, 1990). These are available at: https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/construction-noise

5.3. Operational noise from noise intensive activities to be undertaken on the premises should be assessed using the guidelines contained in the *NSW Noise Policy for Industry* (EPA, 2017). Available at: https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)

5.4. If applicable, noise on public roads from increased road traffic generated by land use developments other than road projects should be assessed using the guidelines contained in the *NSW Road Noise Policy* (EPA, 2011) and associated application notes. Available at: https://www.epa.nsw.gov.au/your-environment/noise/transport-noise.

5.5. If applicable, noise on rail lines from increased rail traffic generated by land-use developments other than rail projects should be assessed using the guidelines contained in the *Rail Infrastructure Noise Guideline* (EPA, 2013) and associated application notes. Available at: https://www.epa.nsw.gov.au/your-environment/noise/transport-noise.

6. Waste, Chemicals and Hazardous Materials and Radiation

The EIS must assess the following waste, chemical and hazardous materials related aspects of the proposed development:

6.1. Assess and describe all aspects of waste generation, management and disposal associated with the proposed development.

6.2. Demonstrate compliance with all regulatory requirements outlined in the POEO Act and associated waste regulations.

6.3. Outline contingency plans for any event that may result in environmental harm, such as excessive stockpiling of material, or dirty water volumes exceeding the storage capacity available on-site.

6.4. Demonstrate that appropriate spill containment will be provided for storage, filling and loading of all fuels and other chemicals to be used on site, in accordance with all relevant Australian Standards, and/or NSW EPA's *Storing and Handling of Liquids: Environment Protection-Participants Manual* (DECC, 2007).

6.5. Identify if the proposed development will use or manufacture any Schedule 6 or Schedule 7 chemicals listed on the NSW IChEMS register and identify relevant risk management measures for all industrial chemicals that are proposed to be used or manufactured. Additionally, demonstrate a system for periodic review to ensure that any new NSW IChEMS Register requirements are identified.

6.6. Assess and describe any potential risks relating to all known and potential contaminants of concern (CoC) including per- and polyfluoroalkyl substances (PFAS) that may be associated with the proposed development and if applicable, how they will be mitigated. Consideration should be given to potential health and environment related impacts caused by the CoC. The assessment should consider various sources, receptors and exposure pathways including but not limited to ingestion (drinking water and food consumption), inhalation, and dermal contact.

6.7. Identify the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the *NSW Waste and Sustainable Materials Strategy 2041 Stage 1: 2021-2027.* Available at: https://www.epa.nsw.gov.au/Your-environment/Recycling-and-reuse/Strategic-direction-for-waste-in-NSW/Waste-and-Sustainable-Materials-Strategy.

7. Water

The EIS surface water quality assessment must:

7.1. Demonstrate that all practical measures to prevent, control, abate or mitigate water pollution have been implemented, including a description of options that were explored (such as reuse to avoid a discharge or treatment).

7.2. Provide details of the proposal that are essential for predicting and assessing potential impacts to receiving waters. This could include (but is not limited to):

a. Site layout, including details of the existing and proposed water management system.

b. Drainage map for the entire site identifying sub-catchments, flow paths, drainage infrastructure, design sizing of structures, water storages, discharge points, and any potential flow paths to receiving waters.

c. How stormwater will be managed in all phases of the project. Information should include, where appropriate, measures to avoid or minimise erosion, leachate generation, and sediment mobilisation at the site.

d. Any in-water activities (such as piling or dredging).

7.3. Include water balance(s) for ground and surface water, including any intake and discharge locations, volumes, frequency and duration.

7.4. Identify and estimate the quality and quantity of all pollutants that may be introduced into the water cycle by source and discharge point, including residual discharges after mitigation measures are implemented. This should be undertaken for construction and operational phases.

7.5. Include a water pollution impact assessment undertaken consistent with the guidance available at https://www.epa.nsw.gov.au/your-environment/water/managing-water-pollution-in-nsw/environment-protection-licensing/water-pollution-discharge-assessments. The level of assessment should be commensurate with the risk to the environment and human health.

7.6. Describe any surface water quality monitoring programs, including proposed monitoring locations, frequency and indicators of surface water quality. Analytical limits of reporting should have regard to any identified guideline values. Water quality monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (2004) available at: Approved methods for the sampling and analysis of water pollutants in NSW | EPA

7.7. The EIS must describe how stormwater will be managed in all phases of the project, including details of how stormwater and runoff will be managed to minimise pollution. Information should include measures to be implemented to minimise erosion, leachate and sediment mobilisation at the site. The EIS should consider the guidelines *Managing urban stormwater: soils and construction,* vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC, 2008).

8. Groundwater

8.1. Provide details of the project that are essential for predicting and assessing impacts to groundwater with a description of the existing environment, including:

a. Geological, topographical, and hydrogeological resource descriptions, maps, and cross-sections.

b. Assessment of groundwater quality, users of groundwater, existing bores including depths and construction, assessment of local land use.

c. A hydrogeological interpretation of water-bearing geological units, depth to water table, groundwater gradient, Conceptual hydrogeological model, assessment of groundwater dependent ecosystems.

d. Site map and cross-sections showing and characterising any proposed excavations and spoil emplacement (relative to water table) with topography.

e. Proposed groundwater monitoring program.

f. Assessment should be in accordance with Groundwater assessment toolbox for major projects in NSW - Overview document (DPE, 2022) - https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/888/1/Groundwater_assessment_toolbox_for_major_projects_in_NSW_-_Overview_document.pdf

9. Soils

9.1. The EIS should include an assessment of the potential impacts on soil and land resources should be undertaken, being guided by the *Soil and Landscape Issues in Environmental Impact Assessment* (DLWC 2000). The nature and extent of any significant impacts should be identified. Particular attention should be given to:

a. Soil erosion and sediment transport- in accordance with *Managing urban stormwater: Soils and construction, vol. 1* (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C Unsealed Roads; D Main Roles) (DECC2008).

b. Mass movement (landslides) – in accordance with *Landslide risk management guidelines* presented in *the Australian Geomechanics Society* (2007).

c. Urban and regional salinity – guidance given in the *Local Government Salinity Initiative* booklets which includes *Site Investigation for Urban Salinity* (DLWC, 2002).

9.2. A description of the mitigation and management options that will be used to prevent, control, abate or minimise identified soil and land resource impacts associated with the project. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented. Where required, add any specific assessment requirements relevant to the project.

10. Contamination

10.1. Identify the likelihood of contamination at the site and surrounding land (on different media such as soils, groundwater, ground gas, surface water and sediments, where applicable) by considering the context of past, current, and proposed land uses. The EIS must document how the assessment of contaminated land has been undertaken with regard to the relevant guidelines for contaminated land made or approved by the NSW EPA.

10.2. All reports on contamination must be prepared by a suitably qualified contaminated land consultant(1) who is also certified(2).

(1) A suitably qualified and experienced contaminated land consultant is a contaminated land consultant who meets the competencies outlined in the Guideline on the Competencies and Acceptance of Environmental Auditors and Related Professionals (Schedule B9) as provided in the ASC National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013)."

(2) A certified consultant is a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;

Note: If an auditor is being engaged for the project, the requirement for a certified consultant to prepare the contaminated land reports is still recommended as it will help ensure all assessment work is done as efficiently as possible, but it is optional. However, it must still be required for all reports to be prepared by a suitably qualified contaminated land consultant.

10.3. Where contamination is considered likely based on past or current land uses or other factors (such as offsite contamination migrating onto the site), undertake detailed site investigation/s to determine the nature and extent of the contamination.

10.4. Where contamination exists, assess if remediation of the land is required, having regard to current and future land uses; and the ecological and human health risks posed by the contamination to both onsite and offsite receptors.

10.5. Where a detailed site investigation is prepared and/or remediation is considered necessary, a NSW EPA accredited Site Auditor must be engaged to undertake an audit. The EIS must

include copies of any Interim Audit Advice provided by the auditor and a Site Audit Statement and Site Audit Reports issued by the auditor which certifies the site can be made suitable for the proposed use

10.6. The following references should be included as relevant guidelines that must be followed *when assessing contaminated land:*

a. *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA, 1998) - https://www.epa.nsw.gov.au/sites/default/files/managing-contaminated-land-guidelines-remediation.pdf*

b. *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 (EPA, 2015)*

c. *Contaminated land sampling design guidelines - Part 1 and 2 (EPA, 2022)*

d. *Consultants reporting on contaminated land: contaminated land guidelines (EPA, 2020)*

e. *Guidelines for the NSW Site Auditor scheme 3rd edition (EPA, 2017)*

f. Any other relevant guidelines made or approved by the EPA under s105 of the *Contaminated Land Management Act 1997 - https://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines*

11. Climate Change

11.1. The Environmental Impact Statement (EIS) must provide Scope 1 and Scope 2 Greenhouse Gas (GHG) emissions estimates associated with the proposed development. The EIS is to confirm whether the proposal is likely to result in 25,000 tonnes CO_2-e or more of Scope 1 and 2 emissions in any financial year.

11.2. If the proposed development will generate less than 25,000 tonnes per annum of CO_2-e in any financial year, then the project is not expected to trigger the assessment requirements under NSW Guide for Large Emitters (Large Emitters Guide).

11.3. If the estimated emissions exceed the 25,000 tonnes per annum of CO_2-e threshold in any financial year during the project's operational life, then the EIS must include a GHG assessment prepared in accordance with the Large Emitters Guide. Where the proponent believes that certain requirements from the Large Emitters Guide are not applicable, the proponent may indicate that in the EIS but is to provide sufficient justification.

11.4. The following references should be considered in the EIS (where applicable):

a. For coal mine projects: Please refer to Greenhouse Gas Mitigation Guide for NSW Coal Mines

b. For agricultural projects: Please refer to NSW EPA Guide for Large Emitters – information for agricultural proponents and climate change requirements for agricultural licensees (https://www.epa.nsw.gov.au/Your-environment/Climate-change/climate-change-requirements-licensees/agriculture)

c. For landfill projects: Please refer to climate change requirements for landfill licensees (https://www.epa.nsw.gov.au/Your-environment/Climate-change/climate-change-requirements-licensees/landfill)

NOTE: The NSW EPA is preparing guidance for the preparation and implementation of various climate change related guidelines, including but not limited to Climate Change Mitigation and Adaptation Plans. The EPA advises that preparation of Climate Change Mitigation and Adaptation Plan (CCMAP) may be required under the EPA's regulatory framework, including conditions in the Environment Protection Licence.

Transport for NSW

25 June 2026

File No: NTH26/00224/001
Your Ref: SSD-128819490 - PAE-128828997

The Director
Department of Planning, Housing & Infrastructure
NSW Major Projects Portal

Attention: Patrick Copas

Request for input to Environmental Assessment Requirements for (Kurri Kurri Data Centre) at Hart Road, Loxford

I refer to your email of 19 June 2026 requesting input from Transport for NSW to the Secretary's Environmental Assessment Requirements (SEARs) for the abovementioned development proposal.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Connecting NSW Strategy*.

Hunter Expressway (6011) is a classified (State) road and all other roads within the site location are local roads. Cessnock Council is the roads authority for all public roads in the area (excluding the Hunter Expressway), in accordance with Section 7 of the *Roads Act 1993*.

TfNSW requests that a Transport Impact Assessment (TIA) be prepared by suitably qualified person/s in accordance with the TfNSW Guide to Transport Impact Assessment, 2024, Austroads Guide to Traffic Management Part 12 and the complementary TfNSW Supplement.

Advice to DPHI
It is unclear if this proposal is impacted by the current State Voluntary Planning Agreement (SVPA2023-16), related to Regrowth Kurri Kurri / Hydro Employment Lands development, between McCloy Group and DPHI. The SVPA sets out development thresholds (31ha, being 25% of the employment lands) allowed to progress prior to construction of north facing ramps that the Hart Road / Hunter Expressway interchange. It is recommended that this matter be resolved early. DPHI contact is Ashlee Sutherland.

If you have any further enquiries regarding the above comments please contact Masa Kimura, Development Services Case Officer, on 1300 207 783 or 0407 707 999 or by emailing development.north@transport.nsw.gov.au.

Yours faithfully,

Liz Smith
Manager Development Services North
Technical Advice & Development Services
Transport Planning
Planning, Integration & Passenger

Department of Climate Change, Energy, the Environment and Water

Patrick Copas
Principal Planning Officer
Industry Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Subject: ECCS Recommended Secretary's Environmental Assessment Requirements – Kurri Kurri Data Centre (SSD-128819490) at Hart Road, Loxford in the Cessnock City Council local government area.

Dear Patrick Copas,

I refer to your request for advice sent 19 June 2026 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Energy, Climate Change and Sustainability (ECCS) about the above matter.

ECCS has reviewed the Scoping Report prepared by SKM Planning Pty Ltd on behalf of ADW Johnson Pty Ltd. ECCS understands the proposal is for construction and operation of a 540 MW data centre comprising one data centre building with plant areas/screening, ancillary office space, two substations and STATCOM equipment, lithium-ion batteries, 10 back-up generators and additional bulk earthworks, hardstand areas, supporting infrastructure and landscaping. 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.

In carrying out the assessment, the proponent should refer to the relevant guidelines listed, as well as any relevant industry codes of practice and best practice management guidelines.

Please contact the Transition & Enablers team at etep@dcceew.nsw.gov.au.

Yours sincerely

Colette Grigg

Director, Energy Transition Policy
Energy, Climate Change and Sustainability
Department of Climate Change, Energy, the Environment and Water

Attachment A – Suggested requirements and comments

Power Usage Effectiveness (PUE)

1. Demonstrate how the proposed development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards, including a maximum Power Usage Effectiveness (PUE) of 1.3 and a minimum NABERS rating of five stars.
2. Include a comprehensive analysis of all commercially available cooling and back-up power systems and the PUE of each of the options.
3. Provide a more detailed overview of whether the proposed dry air chiller cooling system may further drive up the PUE and details of associated energy demands of plant and equipment across seasonal conditions.
4. Explore opportunities to reuse waste-heat from the Data Centre with an aim of achieving a lower PUE.

Energy consumption and demand flexibility

1. Consider how the data centre can reduce its demand during periods of high grid stress, peak electricity demand or low variable renewable energy supply, including:
    a. Identifying specific non-critical functions within the data centre that can be curtailed or deferred
    b. How it will manage operations during peak electricity demand
    c. Options for demand flexibility, including the use of intelligent workload systems or other innovative solutions
2. Information about supporting electricity infrastructure related to the development, including:
    a. Details of the two substations within the development and associated infrastructure
3. Identify any likely interactions between the development and any existing/approved data centres or other significant industrial operators in proximity.

Power Purchase agreements (PPA)

5. Provide information on:
    a. whether sufficient PPAs will be secured to match the full load of the data centre.
    b. The proportion of electricity demand to be met by renewable sources from NSW
    c. when the proponent intends to secure these PPAs.
    d. whether these PPAs will be firmed and time matched.
    e. Details of any firming arrangements or storage solutions

Power System Impacts

1. Provide information on what systems will be installed to help mitigate grid impacts. This could include the use of supervisory control and data acquisition telemetry.
2. How the proponent intends to comply with the AEMC's draft 'Improving the NEM access standards - Package 2' requirements. This draft determination includes AEMC's proposed new grid standards for data centre connections.
3. Assessment of cumulative impacts of the development and other major electricity users in the region
4. Given the proposed development is located within the former Hydro Aluminium Smelter Site, demonstrate that the development will not result in unacceptable impacts on electricity network reliability, including on nearby residents.

Backup Generation

1. Provide a detailed overview of the proposed back-up power system and any generation and energy storage units proposed on-site or co-located within the subzone. This must set out:
    a. The number of UPS on site and how long these systems can support the facility for if there is a power outage
    b. Information on the energy capacity (MWh) of the 47,440kg of on-site lithium-ion batteries.
    c. Information on whether these lithium-ion batteries are intended to be used during lack of reserve instances or system security events.
    d. Provide a detailed justification for the proposed back-up power system, including alternatives considered.
2. information on whether:
    a. The proposed 10 back-up diesel generators can use renewable diesel (HVO).
    b. Information on steps the proponent plans to take to trial the use of biofuels, HVO or other less emissions intensive fuel to substitute the use of diesel.
3. Greenhouse gas emissions impact from the use of back-up diesel generation from:
    a. network outages from normalised system average interruption duration index (SAIDI)
    b. network outages from un-normalised SAIDI to capture major event days such as severe weather events. During these events, back-up generation may be required for extended periods.

c. Potential options to mitigate GHG impacts from the two events listed above.

Consultation:

- During the preparation of the EIS, the Applicant should engage with the relevant local, State, Commonwealth Government authorities, the Australian Energy Market Operator, the relevant transmission and distribution network service providers, community groups and affected landowners.

Department of Climate Change, Energy, the Environment and Water

Our ref: DOC26/353456-11 Your ref: SSD-128819490

Patrick Copas
Principal Planning Officer
Industry Assessments, Development Assessment and Sustainability
Department of Planning, Housing and Infrastructure

10 July 2026

Subject: Request for input on draft SEARs – Kurri Kurri Data Centre, Loxford (SSD-128819490)

Dear Patrick

Thank you for your email dated 19 June 2026 requesting advice on preparation of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environment Impact Statement for the proposed Kurri Kurri Data Centre in Loxford (SSD-128819490), located at the former Hydro Aluminium smelter site.

The Conservation Programs, Heritage and Regulation Group (CPHR) recommends that the SEARs include the environmental assessment requirements at **Attachment A.**

Attachment A includes requirements for:

- Flood Risk Management

Please note that requirements for heritage matters must be sought separately via *heritagemailbox@environment.nsw.gov.au*.

If you have any questions about this advice, please do not hesitate to contact our Coast Estuary & Flood team at *mcef.planning@dcceew.nsw.gov.au*.

Yours sincerely,

Neil Kelleher
Senior Team Leader, Coast Estuary & Flood
Regional Delivery (Hunter Central Coast)
Marine Coast Estuary & Flood
Conservation Programs, Heritage & Regulation Group

Enclosures:

Attachment A – Environmental Assessment Requirements for the proposed Kurri Kurri Data Centre in Loxford (SSD-128819490).

Attachment A – Environmental Assessment Requirements for the proposed Kurri Kurri Data Centre in Loxford (SSD-128819490)

Flood Risk Management

1. The EIS must include a flood impact and risk assessment (FIRA) consistent with the Flood Risk Management Guideline LU01. As a minimum the FIRA must:
   a. Consider the relevant provisions of the NSW Flood Risk Management Manual and associated guides, and relevant Council and government studies and information and requirements (see Flood risk management toolkit)
   b. Identify and describe existing flood behaviour on the site and its surrounding areas for the full range of design flood events up to the Probable Maximum Flood (PMF) and provide an assessment of the compatibility of the development and its users with flood behaviour. This may require flood modelling where existing flood information is not available.
   c. Determine and describe changes the impacts in flood behaviour during construction and post-development operations for the full range of design flood events up to the PMF. This will typically require flood modelling to quantify afflux, changes to flood behaviour and constraints including flood hazard and flood function.
   d. Consider impacts of climate change due to both sea level rise and increase in rainfall intensities considering relevant Council and government advice, and the current version of Australian Rainfall and Runoff.
   e. Propose and assess the effectiveness of management measures required to minimise the impacts and risks of flooding to the development and its users and existing community

Note:

- Flood modelling is to be undertaken by a suitably qualified engineer consistent with Council's requirements and Australian Rainfall and Runoff guideline and relevant guidance in the Flood risk management toolkit. This includes the consideration of the influence of oceanic conditions in coastal areas.
- Flood behaviour includes flood volume, extent, depth, level, velocity, duration, rate of rise, flood function and flood hazard.

- Impacts include those on different elements at risk such as the existing community, property, floor levels, access etc due to changes to flood behaviour and risks to the community including emergency management response for the community.

Hunter Water Corporation
ABN 46 228 513 446

PO Box 5171
HRMC NSW 2310
36 Honeysuckle Drive
NEWCASTLE NSW 2300
1300 657 657
enquiries@hunterwater.com.au
hunterwater.com.au

26 June 2026

Hunter Water Ref: HW2017-1215/18/135

NSW Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Attention: Patrick Copas
Via: NSW Major Projects Portal

Dear Patrick

RE: ADVICE ON SEARS – KURRI KURRI DATA CENTRE (SSD-128819490)

I refer to your request via the NSW Major Projects Portal on 19 June 2026 seeking Hunter Water's advice on the Secretary's Environmental Assessment Requirements (SEARs) for the Kurri Kurri Data Centre (the Centre) development.

Hunter Water notes that data centres can present a significant water security risk due to the potentially substantial volumes of water required for operational and cooling purposes. As a result, developments of this nature may expose Hunter Water to a higher level of risk than more typical urban, commercial or industrial developments due to the potential for concentrated and ongoing water demand.

This advice has been provided on the basis of the information currently available, which indicates that potable water demand will be primarily associated with staff amenities and that water is not proposed to be required for production, processing, cooling or other operational purposes. Hunter Water's assessment and advice are reliant on this assumption.

Should the proposed development's water requirements change, including the introduction of increased water use for production, cooling or other operational purposes, Hunter Water would require the proposal to be reassessed. Any such change may result in a revision of the advice provided and could necessitate additional investigations into the impacts on regional water security and network capacity.

Hunter Water strongly encourages the proponent to engage with Hunter Water as early as possible to confirm forecast water demands and investigate sustainable water servicing options. Hunter Water has a strong preference for the use of recycled water or other alternative water sources for production, cooling and operational purposes, to reduce reliance on potable water supplies and reduce impacts on regional water security.

The Centre is located within the Kurri Kurri Regrowth Industrial Precinct (the Precinct) and the water and wastewater servicing needs for this Precinct were assessed and determined in Hunter Water approved developer water and wastewater servicing strategies. These strategies were based on the loads required for development of general industrial/commercial type development within the Precinct. The strategies identified both water and wastewater network upgrades are required to service the Precinct, which are currently under design. These upgrades may not provide the capacity to service developments which require high water demand or large sewer discharge.

Hunter Water notes the Centre's Scoping Report indicates that,

> *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.

As indicated above, the watermains in Hart Rd will be upgraded to service the Precinct and it is expected that these upgrades should have capacity to provide domestic water supply for staff amenity purposes. However, at this stage, there is no certainty that the upgrades can provide sufficient supply for cooling and processing needs should the Centre modify their planned cooling system.

At this time, the developer and their consultants have commenced high level consultation with Hunter Water regarding use of both potable water and recycled water from the Kurri Kurri and Farley Wastewater Treatment Works for cooling and processing purposes. The outcomes of this consultation may impact the SEARs and EIS, and Hunter Water is currently implementing a services agreement with the developer to formalise any further consultation regarding water use and network capacity assessments.

Hunter Water therefore requests that the following be included in the SEARs:

The proponent must enter into a Services Agreement with Hunter Water to assess the potentially complex water servicing needs. On completion of the assessment, the proponent is advised to submit a Development Application via the Hunter Water Property Self-Service Portal to enable Hunter Water to formalise the servicing requirements for the proposed development, and a copy of the Formal Notice of Requirements letter issued by Hunter Water is to be included in the EIS.

Hunter Water also requests that the following be included in any future conditions of consent for the proposed development:

Section 50 Certificate
Prior to the release of the Construction Certificate evidence must be submitted to the Consent Authority that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Act 1991 for the supply of water and sewer infrastructure for this development.

If you require further advice or clarification regarding this submission, please contact the undersigned on 02 4081 4826 or at barry.calderwood@hunterwater.com.au.

Yours sincerely

Barry Calderwood
Account Manager Major Development

8th July 2026

ATT: Patrick Copas
Environmental Assessment Officer
Department of Planning and Environment

24-28 Campbell St
Sydney NSW 2000
All mail to
GPO Box 4009
Sydney NSW 2001
T +61 2 13 13 65
ausgrid.com.au

Dear Patrick,

In reference to Kuur Kurri Data Centre – SSD-128819490

Ausgrid would like to thank you for seeking input and feedback regarding the advice on SEAR's

Ausgrid notes that utility capacity and augmentation requirements are addressed within the Infrastructure Requirements. To ensure completeness, the SEARs should also require assessment of impacts on existing utility infrastructure and service provider assets and identification of appropriate management measures.

Please do not hesitate to contact me for further information.
Regards,

Jeff Lyons – Engineering Officer – Design Hunter
designhunter@ausgrid.com.au
02 49101719

Connecting communities,
empowering lives

File Ref. No: FRN26/2033 BFS26/4672 7000002836
TRIM Doc. No: D26/95656
Contact: Senior Firefighter Naomi Ledgerwood

24 June 2026

PATRICK COPAS
NSW Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Patrick Copas,

Re: Advice on Secretary's Environmental Assessment Requirements (SEARs) – KURRI KURRI DATA CENTRE - HART ROAD, LOXFORD (SSD-128819490)

Fire and Rescue NSW (FRNSW) acknowledge correspondence received on 19 June 2026, requesting input into the preparation of the SEARs for the KURRI KURRI DATAT CENTRE - HART ROAD, LOXFORD (SSD-128819490). FRNSW have reviewed the SEARs along with the Scoping Report with particular focus to Section 8.

The Scoping Report details a Data Centre with Battery Energy Storage. It has been the experience of FRNSW that Data Centres present special problems of fighting fire and suitable additional provisions are likely to be required in accordance with E1D17 and E2D21 of the National Construction Code 2022[1].

FRNSW will likely recommend a Fire Safety Study (FSS) be developed in accordance with the Hazardous Industry Planning Advisory Paper No 2[2] as a condition of consent. The FSS should be used to inform the design and as such it is FRNSW Position[3] that the FSS be developed to the satisfaction of FRNSW prior to any further submission being made to FRNSW; this includes: an Initial Fire Safety Report (IFSR) and / or Performance-Based Design Brief / Fire Engineering Brief Questionnaire (FEBQ).

The FSS should be prepared consistent with the relevant FRNSW Fire Safety Guidelines, FRNSW Technical Information Sheets[4] and the Lithium-ion batteries and diesel generators in data centres[5] position statement.

Project proponents undertaking the FSS are to engage directly with FRNSW by submitting all correspondence electronically to FireSafety@fire.nsw.gov.au and reference FRNSW file number BFS26/4672. Further information regarding FRNSW Meetings[6] and FRNSW Written Reports[7] can be found at the FRNSW Building Fire Safety Industry Portal[8].

Fire and Rescue NSW **ABN** 12 593 473 110
Community Safety Directorate
Fire Safety Liaison Unit
Locked Bag 12,
Greenacre NSW 2190
T 02 9742 7434
F 02 9742 7483
www.fire.nsw.gov.au

Yours sincerely,

Inspector Luke Loseby
Team Leader
Fire Safety Liaison Unit

Cc: patrick.copas@planning.nsw.gov.au

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[1] https://ncc.abcb.gov.au/editions/ncc-2022
[2] https://www.planning.nsw.gov.au/sites/default/files/2023-03/hazardous-and-offensive-planning-advisory-paper-no-2-fire-safety-study-guidelines.pdf
[3] https://www.fire.nsw.gov.au/page.php?id=9447&position=51
[4] https://www.fire.nsw.gov.au/page.php?id=9166
[5] https://www.fire.nsw.gov.au/__data/assets/pdf_file/0022/17590/Position-statement-summary-Lithium-ion-batteries-and-diesel-generators-in-data-centres.pdf
[6] https://www.fire.nsw.gov.au/page.php?id=9193
[7] https://www.fire.nsw.gov.au/page.php?id=9156
[8] https://www.fire.nsw.gov.au/page.php?id=9140

Department of Climate Change, Energy, the Environment and Water

Our ref: HMS ID 15089

Patrick Copas
Department of Planning, Housing and Infrastructure
patrick.copas@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Input to SEARs – State Significant Development

Proposal: Kurri Kurri Data Centre

Major Project reference: SSD-128819490

Received: 19 June 2026

Dear Mr Copas,

Thank you for your referral seeking input to the Secretary's Environmental Assessment Requirements for the above State Significant Development proposal.

Heritage NSW has reviewed the draft Secretary's Environmental Assessment Requirements included in your referral and no changes are required.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions regarding these comments, please contact Alison Lamond at Heritage NSW on 9873 8500 or heritagemailbox@evironment.nsw.gov.au.

Yours sincerely,

Alison Lamond

Alison Lamond
Manager
Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
23 June 2026