

Appendix A – Response to Submissions

Comment	Response	Supporting Documentation
Department of Planning, Housing and Infrastructure (24 December 2025)		
Noise		
<i>Note – Since the original submission the project has adopted air-cooled waterless mechanical systems in place of liquid-cooled infrastructure. This has resulted in a simplified plant configuration and removal of cooling tower-related noise sources. The revised operational noise profile has been assessed in the updated NVIA and demonstrates that predicted noise levels remain consistent with, or improved from, the original assessment, with only negligible changes to overall impacts at surrounding receivers. This context informs the responses below.</i>		
1. The Department requests the noise and vibration impact assessment (NVIA) be updated to ensure that all sensitive receivers in NCA1 are categorised under the 'Suburban' amenity category. The Department notes that short-term attended noise measurements across the Erskine Park residential area are generally aligned with the typical background noise levels for suburban residential category and, consequently, considers that insufficient evidence has been provided to date to suggest that residences around Cetus Place should be categorised using a different amenity category.	The NVIA adopts an Urban amenity category for receivers within NCA1 based on a comprehensive application of Table 2.3 of the Noise Policy for Industry (NPfI), which requires consideration of multiple factors rather than land use zoning alone. While the receivers are zoned R2 Low Density Residential, the measured background noise levels at monitoring location NL1 are consistent with an urban acoustic environment, with evening and night-time rating background levels of 45 dB(A) and 44 dB(A) respectively. These levels exceed typical suburban thresholds and align with the Urban category. In addition, the noise environment is influenced by continuous traffic on Lenore Drive and established industrial activities to the east and south. Receivers within NCA1 are located in close proximity to these sources, with direct line of sight and minimal	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
	shielding, resulting in an acoustic environment characterised by a combination of traffic and industrial noise. This is consistent with the NPfI description of an urban noise environment. The NPfI makes clear that zoning is only one indicator and does not override other factors. In this case, the measured background noise levels and prevailing noise sources strongly support the selection of the Urban amenity category. It is also noted that predicted operational noise levels are generally consistent with suburban criteria, with only a marginal 1 dB exceedance in one scenario, which is considered negligible in accordance with the NPfI.	
2. In accordance with Fact Sheets A and B of the <i>Noise Policy for Industry</i> (NPfI), please provide statements justifying the selection of each monitoring location, including the procedure used to choose each location, with reference to the definition of “residence(s)” and “reasonably most-affected location(s)” provided in the NPfI. This is particularly important for unattended monitoring location NL1, as while the LA90,15min noise levels recorded at A1 to A4 during the early part of the night-time period are generally consistent, the Department notes that these results are significantly lower than the rating background level at NL1.	Noise monitoring locations were selected in accordance with Fact Sheets A and B of the NPfI to ensure they are representative of the acoustic environment experienced by residences and, in particular, those reasonably considered to be most affected by the proposal. Unattended monitoring location NL1 was positioned in close proximity to residential receivers within NCA1 and at a location that is at least as exposed, or more exposed, to dominant noise sources than surrounding dwellings. This includes proximity to Lenore Drive and the adjacent industrial precinct, as well as direct line of sight to these sources. As such, NL1 is considered representative of the most exposed receivers within NCA1 and therefore provides a conservative basis for assessment.	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
	The lower LA90 levels observed at attended monitoring locations A1 to A4 are attributable to localised shielding from intervening buildings, which reduces exposure to road and industrial noise. These conditions are not representative of receivers within NCA1 or the NLI monitoring position, which are more directly exposed. Accordingly, NLI remains the most appropriate location for determining background noise levels for the most affected receivers. Monitoring locations were selected to capture variation across the surrounding residential areas, and attended measurements were undertaken to confirm that the adopted background noise levels are representative. The approach is consistent with NPfI guidance, which allows for monitoring at representative locations to be applied to multiple receivers where the acoustic environment is comparable. The potentially most affected receivers have been identified based on proximity to the development, exposure to dominant noise sources and predicted façade noise levels. Supporting noise modelling, including façade mapping, confirms that receivers within NCA1 represent the worst-case scenario and that the selected monitoring locations are appropriate. Overall, the monitoring methodology and selection of representative locations are consistent with the requirements of the NPfI and provide a robust basis for the assessment.	

Comment	Response	Supporting Documentation
3. As per Section 3.3.1 of the NPfI, predicted noise levels must be identified at all receivers potentially affected by the development, including single and double storey properties in Erskine Park. 3D facade noise map must also be provided to inform the identification of the most-affected residence(s) and selection of unattended noise monitoring location(s). The Department notes it is currently unclear which residential receiver(s) in Erskine Park may be the potentially most affected for this development and, consequently, additional unattended noise monitoring data may be required once these receiver(s) have been correctly identified.	Predicted noise levels have been assessed at all receivers potentially affected by the development, including both single and double storey dwellings within Erskine Park, in accordance with Section 3.3.1 of the NPfI. Receivers within NCA1 have been identified as the most affected based on their proximity to the development, exposure to dominant noise sources and lack of shielding. These receivers are located in the south-eastern portion of the residential area and are closer to, or at least as exposed as, the adopted monitoring location (NL1), which has been selected to represent a conservative worst-case position. To support this, 3D façade noise modelling has been undertaken and is presented in the NVIA. This confirms that the highest predicted noise levels occur at receivers within NCA1 and that these dwellings represent the worst-case scenario. The façade mapping also demonstrates that variations in noise levels across the broader residential area are primarily influenced by distance and shielding effects, with lower levels observed in areas subject to building screening. While façade noise mapping is not a prescribed requirement of the NPfI, it has been provided to assist in clearly identifying the most affected receivers and to validate the selection of monitoring locations. The results confirm that NL1 is appropriately located to represent the most exposed receivers and that additional unattended monitoring is not required.	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
4. Section 9.4.4.1 of the NVIA should be updated to provide further detail regarding consideration of low-frequency noise, including the following: a. detail the extrapolation method for all relevant plant and equipment, including reference to peer-reviewed publication / noise measurement data from similar operations b. include an evaluation of <u>all</u> frequencies from 10 to 160 Hz (not just to 50 Hz) (see An example approach to consider low frequency noise in the context of the NSW noise policy for industry, Acoustics Australia Vol. 48, No. 2, August 2020, pages 170-172 for further guidance) c. provide an assessment of the development against low-frequency noise and tonality at nearby sensitive receivers, in accordance with the process/es referenced in Fact Sheet C of the NPfI and the additional guidance documents provided on the EPA's website.	The NVIA has been updated to provide further detail regarding the assessment of low frequency noise in accordance with the NPfI and relevant guidance material. The assessment adopts measured low frequency noise data from comparable chillers and generators to inform the spectral content of the proposed plant. This approach is consistent with accepted industry practice where project-specific data is not available and provides a reasonable and conservative basis for extrapolation of low frequency noise emissions. The evaluation considers the contribution of low frequency noise across the relevant frequency range and compares predicted outcomes at nearby sensitive receivers against the applicable criteria. This includes assessment of the difference between dB(A) and dB(C) levels and comparison against the NPfI low frequency thresholds. The results indicate that either the difference between predicted dB(A) and dB(C) levels is less than 15 dB, or the relevant thresholds are not exceeded. As such, the NPfI does not require the application of any modifying factor for low frequency noise. In relation to tonality, the assessment has been undertaken in accordance with Fact Sheet C of the NPfI. A conservative approach has been adopted whereby potential tonal characteristics of plant have been considered at the receiver. Notwithstanding this, the assessment demonstrates that noise emissions from dominant plant (chillers) are significantly higher	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
	than other sources and would mask any tonal characteristics, such that the overall noise emissions would not be perceived as tonal. Overall, the updated assessment confirms that low frequency noise and tonality do not trigger additional penalties and are appropriately addressed within the NVIA.	
5. Based on Section 9.4.4.2, it is unclear whether the 5 dB penalty for tonality has been incorrectly applied to the transformer contribution noise levels, instead of to the predicted levels at the receiver (as is required by Fact Sheet C of the NPfI). Please clarify and, if necessary, update the NVIA accordingly.	The application of the tonality penalty has been undertaken in accordance with Fact Sheet C of the NPfI. As outlined in the NVIA, where a noise source exhibits tonal characteristics, the correction is to be applied to the contribution from that specific source at the receiver, rather than to the overall combined noise level. In this instance, a conservative 5 dB penalty has been applied to the predicted noise levels at the receiver for the transformer contribution, recognising that transformers have the potential to exhibit tonal characteristics. The assessment also considered the relative contribution of each plant item. Noise emissions from the chillers are significantly higher than those from the transformers across all octave bands, and as such, any tonal characteristics associated with the transformers would be effectively masked at the receiver. On this basis, the overall development noise is not expected to be perceived as tonal.	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
	Accordingly, the approach adopted in the NVIA is consistent with the requirements of the NPfI and does not result in an underestimation of impacts.	
6. The Department notes the NVIA has assumed the number of operating chillers (and their associated load) would not change across the day, evening and nighttime periods. Please provide additional commentary and confirm whether this can be considered to provide an accurate assessment of realistic day-to-day operations.	The NVIA does not assume constant operating conditions but instead assesses a range of realistic and worst-case operating scenarios to account for variations in chiller operation throughout the day. A total of 22 operational scenarios and 3 maintenance scenarios have been modelled, reflecting variations in ambient conditions, data centre load, stage of development and occupancy. Chiller noise emissions are influenced by factors such as temperature, humidity and tenant load, all of which vary over time. To account for this, manufacturer-provided sound power levels have been adopted for different ambient conditions (day, evening and night) and for both expected and full load scenarios. The assessment includes conservative “worst-case” conditions, including full load operation, which is not expected to occur continuously in practice. Accordingly, the NVIA provides a robust and conservative representation of realistic day-to-day operations and is considered to appropriately capture potential variations in chiller performance.	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
7. Please clarify the meteorological settings which were adopted for the noise model via the ISO 9613-2:2024 method, in accordance with the requirements stipulated under Fact Sheet D of the NPfI.	Noise modelling has been undertaken using SoundPlan 9.1 in accordance with ISO 9613-2:2024, adopting noise-enhancing meteorological conditions consistent with Fact Sheet D of the NPfI. Specifically, the assessment adopts Approach 1, which assumes downwind propagation from source to receiver for all receivers, combined with stable atmospheric conditions equivalent to Pasquill stability class F during night-time periods. The ISO 9613-2:2024 methodology inherently accounts for downwind conditions (within ± 45 degrees of the source-to-receiver direction) and allows for wind speeds in the range of 1–5 m/s, which encompasses the NPfI requirement for low wind speeds under temperature inversion conditions. The model also incorporates a moderate ground-based temperature inversion consistent with clear, calm night-time conditions. On this basis, the adopted modelling approach satisfies the requirements of Fact Sheet D and represents a conservative assessment of meteorological effects on noise propagation.	Revised Noise and Vibration Impact Assessment at Appendix M
Department of Planning, Housing and Infrastructure (4 February 2026)		
Statutory Compliance		
1. The EIS has not adequately addressed Section 2.39 of the <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP). The Department understands	The proposed design has been revised to adopt air-cooled chiller technology. As a result, the development no longer requires an industrial or recycled water supply for operational	N/A

Comment	Response	Supporting Documentation
that the development proposes to utilise recycled water for the development's operations. Therefore, the Department requires that evidence be provided to suitably demonstrate that recycled water from a water recycling facility will be provided to the development.	purposes. Accordingly, the provision of recycled water from a water recycling facility is no longer required.	
Infrastructure Servicing		
2. The Department acknowledges that power supply to the site is proposed to be achieved through a transmission line to the 330kV TransGrid Sydney West Substation to connect to the proposed on-site substation. The Department notes from consultation with TransGrid that development consent for the proposed transmission line is required to be obtained by the Applicant. Therefore, the SSD application and EIS are required to be amended to include the proposed transmission line and any associated works within the scope of the development or demonstrate the works to provide power supply to the site can be achieved under a separate development approval pathway.	The SSDA has been amended to include the high-voltage (HV) transmission line from the 330kV TransGrid Sydney West Substation to the on-site substation. Works within the TransGrid Sydney West Substation will continue to be undertaken by TransGrid and are subject to separate approvals. This Rts includes a Submissions and Amendment Report which describes and assesses the likely environmental impacts of the HV route which is now proposed.	
Visual Impact		
3. The Department raises concerns that the potential visual impacts of the development on sensitive receivers to the north of the site has not been adequately investigated. The Department requests the Visual Impact Assessment in Appendix ZH of the EIS to be updated to provided additional viewpoint analysis from	The Visual Impact Assessment (VIA) has been further reviewed with specific consideration of potential views from residential receivers to the north of the site, including Weaver Street and Cetus Place. As outlined in the supplementary analysis provided in the updated VIA, fieldwork and site inspection of Weaver Street and	Revised Visual Impact Assessment at Appendix ZH

Comment	Response	Supporting Documentation
Erskine Park residences, including but not limited to, Cetus Place and Weaver Street (North) should be undertaken.	the surrounding residential context confirm that the area is characterised predominantly by single-storey dwellings, with consistent rear boundary fencing and limited elevation across the streetscape. These built form characteristics substantially restrict opportunities for views toward the proposed development from ground level within private dwellings. While it is acknowledged that some visibility may occur in isolated or elevated instances, the prevailing visual environment is already influenced by existing large-scale development and electricity infrastructure in closer proximity to these receivers. As such, the proposal would be viewed within an established context of similar built form and would not present as a visually dominant or incongruous element. In relation to Weaver Street (North) and Cetus Place, the close spacing between dwellings directs primary outlook toward adjoining residential properties, further limiting available sightlines. On this basis, substantive views of the development from these locations are unlikely. The VIA also acknowledges that limited views may be available from upper levels of isolated two-storey dwellings (for example, 86 Weaver Street). However, these views are constrained and, in some cases, occur from secondary spaces such as bedrooms rather than primary living areas. Consistent with established planning principles, including Tenacity, such views are afforded less weight in assessing overall visual impact.	

Comment	Response	Supporting Documentation
	Notwithstanding the above, the constraints associated with accessing private residential properties have been noted. Any photomontage prepared from the public domain would not accurately represent views from within dwellings and would therefore provide limited additional value to the assessment. On this basis, the VIA concludes that the potential visual impacts on receivers to the north of the site have been appropriately considered and are limited in nature.	
Noise Impacts		
4. Further to the issues previously identified in the Request for Additional Information letter issued by the Department, dated 24 December 2025. The Department has identified additional issues in the Noise and Vibration Impact Assessment (NVIA) in Appendix M required to be addressed in an updated NVIA as follows: - The Department understands that one (1) load bank will be operational during generator testing scenarios but has not been identified as a noise source included in the acoustic modelling. The NVIA should be updated to identify all operational noise sources and include in the acoustic modelling accordingly. - The Department notes that a number of exceedances are identified during Stage 1 operational scenarios of the night-time period (scenarios 3 & 6) however only one (1)	With regard to noise emissions from the load banks and generators, this plant is proposed to operate for approximately 136 hours per year. The Noise Policy for Industry (NPfI) applies to industrial noise sources from activities listed in Schedule 1 of the Protection of the Environment Operations Act 1997. Schedule 1 excludes “generation of electricity by means of electricity plant that is stand-by plant operating for less than 200 hours per year”. Accordingly, compliance with the NPfI is not a requirement for plant associated with emergency electricity generation. Notwithstanding this, noise emissions from maintenance operation of the emergency generators have been designed to meet the daytime project noise trigger levels determined in accordance with the NPfI. The proposed generators have a sound power level of 96 dB(A) each, resulting in a combined sound power level of 102 dB(A) for	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
exceedance is identified during Stage 2 (scenario 15) operational scenarios of the night-time period, which is understood to be a more intensive operational scenario of the whole development. The Department requests the NVIA be updated to provide further discussion and analysis of the results considering the difference in operational scenarios and operational noise sources modelled.	four generators operating during maintenance testing. Stack Infrastructure has advised that load banks typically used for maintenance of emergency plant have a sound power level of up to 96 dB(A). This results in a combined sound power level of approximately 103 dB(A) for simultaneous operation of the generators and load bank. This represents an increase of less than 2 dB and is considered negligible. Predicted noise levels presented in Table 21 are comfortably below the project noise trigger levels, and an increase of approximately 1 dB would not result in non-compliance. Predicted noise emissions for Stage 1 and Stage 2 operation differ. At most receivers, predicted noise levels are higher for Stage 2 due to the increased number of noise sources. However, for some receivers within NCA 1 and NCA 2, predicted noise levels are lower for Stage 2 than Stage 1, and this occurs across all assessment periods. This is due to the introduction of additional built form in Stage 2, including the western building, which provides increased acoustic shielding of rooftop plant. The orientation of this building relative to both the noise sources and affected receivers results in improved shielding of Stage 1 plant. In combination with shielding of additional Stage 2 plant by both the proposed and existing buildings, this results in reduced predicted noise levels at some receivers. In addition, the noise modelling has been updated to reflect revised chiller selections. The updated assessment confirms	

Comment	Response	Supporting Documentation
	there are no predicted exceedances of the project noise trigger levels for either Stage 1 or Stage 2 operation.	
Air Quality		
5. The Department notes that the Air Quality Impact Assessment (AQIA) in Appendix J of the EIS has modelled the pollutant emissions of generators during maintenance testing (Scenario 2) at 100% load, however the generator testing regime in the EIS identifies the generator testing would be undertaken with a 70% load. The AQIA should be updated to provide additional justification to demonstrate the modelling undertaken is a conservative representation of the development's realistic operations.	The Air Quality Impact Assessment (AQIA) considered a Baudouin 16M55G3750/5 standby generator, with the dispersion modelling conducted for a maintenance testing scenario at 100% load to inform "predicted operations (including testing of the back-up power system)" consistent with the SEARs issued for the project. This approach was applied due to emissions data for the Baudouin unit (refer Appendix E of the AQIA) being available at an assumed 100% load (i.e., maximum continuous rating). The dispersion modelling was therefore carried out using the referenced emission rates and associated stack parameters from the engine datasheet. It is understood that exhaust volumetric flow rate, exit velocity, and exhaust temperature parameters are load-dependent however the corresponding emissions and stack data were not available for a 70% load condition. Further detail on the conservatism of this approach is included in the revised AQIA.	Revised Air Quality Impact Assessment at Appendix L
Greenhouse Gas Emissions		
6. The Department does not accept the Applicant's position stated in the Greenhouse Gass Assessment in Appendix ZI of the EIS, which states that electricity consumption and subsequent	The Greenhouse Gas Assessment has been updated to clearly account for all direct and indirect emissions associated with the	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
greenhouse gas (GHG) emissions by tenant IT equipment is the responsibility of tenants and not the proponent. All indirect GHG emissions of the development due to electricity consumption are considered to be Scope 2 emissions. The Greenhouse Gas Assessment should be updated to confirm the total predicted direct and in-direct GHG emissions of the development.	development, including electricity consumption attributable to tenant IT equipment. The updated assessment recognises that all electricity consumed within the facility, including tenant IT loads, constitutes Scope 2 emissions in accordance with relevant greenhouse accounting frameworks. Accordingly, the total predicted GHG emissions for the development now include both operational (non-IT) loads and tenant IT loads. The assessment also reflects the anticipated emissions outcomes having regard to the following commitments: • commitments from hyperscale customers to procure 100% renewable electricity for IT loads; and • the proponent's commitment to procure 100% renewable electricity for all non-IT operational loads. These measures have been incorporated into the updated emissions inventory to provide a complete and transparent representation of the development's total direct and indirect GHG emissions.	
7. Further to the above, the GHG assessment only provides mitigation and reduction measures for GHG emissions attributed to non-IT/non-tenanted power consumption. The GHG assessment should be updated to provide robust consideration of available options to reduce the GHG emissions of the development's operations (including IT/ tenanted power	The Greenhouse Gas Assessment has been updated to provide a comprehensive assessment of mitigation measures across all sources of operational emissions, including both non-IT and tenant IT electricity consumption. In addition to the proponent's commitment to procure 100% renewable electricity for base building operations, the updated	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
consumption) and commitment to the implementation of identified measures, including but not limited to the procurement of a Power Purchase Agreement (PPA) for renewable energy.	assessment considers measures applicable to tenant IT loads, including renewable energy procurement pathways such as Power Purchase Agreements (PPAs) and other market-based instruments. The assessment reflects the operational model of hyperscale customers, which typically includes corporate commitments to renewable energy procurement and net zero targets. These commitments have been taken into account in identifying realistic and effective mitigation measures for IT-related emissions. Overall, the updated assessment demonstrates that emissions reduction measures apply across the full operational profile of the development and are not limited to non-IT loads, ensuring a consistent and comprehensive approach to GHG mitigation.	
Ecologically Sustainable Development		
8. The Ecologically Sustainable Development (ESD) Report in Appendix ZE of the EIS does not adequately identify and detail the predicted water consumption and demands of the development. The ESD report should be updated accordingly to identify the predicted water consumption of the development (per day and annually) and the predicted water reductions as a result of the proposed water mitigation and managements measures to be implemented.	The ESD Report has been updated to quantify the predicted water consumption of the development, including both daily and annual demand. The updated assessment reflects the adoption of a fully air-sourced (waterless) heat rejection system, which eliminates water use associated with cooling and represents a significant reduction in operational water demand compared to conventional evaporative systems.	Revised ESD Report at Appendix ZE Revised Infrastructure Requirements and Utility Report at Appendix N

Comment	Response	Supporting Documentation
	Daily water demand is addressed in the Infrastructure Report, and the ESD Report now clearly identifies the expected water savings attributable to the adopted design and associated water efficiency measures.	
9. The Department notes the development proposes to implement 'direct-to-chip' cooling technology for the operation of the developments data halls. The Department understands 'direct-to-chip' cooling to be highly efficient for energy consumption however, the EIS notes the development proposes a PUE of only 1.35 and a NABERS rating of below 5 stars. The Department requests additional information and justification to demonstrate how the PUE has been calculated and why the energy efficiency targets of the development are acceptable.	The targeted annual PUE for the project has been revised from 1.35 to 1.3, as reflected in the updated ESD Report and Greenhouse Gas Assessment. Since exhibition of the EIS, the heat rejection system has been revised from an evaporative arrangement to a completely air-sourced system. While air-sourced systems are inherently less energy efficient than evaporative systems, they eliminate water consumption for heat rejection and provide benefits in terms of reduced reliance on potable water infrastructure, improved operational resilience and reduced maintenance requirements. The adopted design provides an appropriate balance between energy, water and operational performance. While the change to an air-cooled system makes achieving lower PUE outcomes more challenging, the revised PUE target of 1.3 remains an efficient and appropriate outcome for this system type. The revised ESD Report and Greenhouse Gas Assessment have been updated to reflect the amended cooling strategy and PUE target, including further detail on the basis of the energy performance assumptions.	Revised ESD Report at Appendix ZE Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
10. Further to the above, the ESD report should be updated to include an analysis of ESD measures to further improve the energy efficiency of the development to a PUE of below 1.3 and achieve a 5-star NABERS rating.	As detailed above, the targeted annual PUE for the project has been revised to 1.3, which is consistent with industry benchmarks for air-cooled hyperscale data centres and supports a 5 Star NABERS Energy outcome. Achieving a lower PUE would require a different cooling approach, such as evaporative systems, which would increase water consumption. The adopted design therefore represents an appropriate balance between energy efficiency and water performance.	Revised ESD Report at Appendix ZE
Management and Mitigation Measures		
11. In light of the matters raised above, the Department requests that the list of management and mitigation measures provided in Appendix C of the EIS be updated to reflect any corresponding amendments to the technical reports, including any revised operational mitigation measures for noise emissions. The updated list of mitigation measures should be submitted in both Microsoft Word and PDF formats.	The Mitigation Measures table at Appendix C of this SSDA has been updated to reflect the changes made as a result of the submissions received. Where relevant / applicable, mitigation measures in technical reports and assessments have also been updated in response to these submissions.	Revised Mitigation Measures at Appendix C
Penrith City Council		
1. Planning Considerations		
a) On 06 August 2025, Council staff provided written Pre-lodgement advice (PL25/0044) to the applicant following a	Noted. Council's pre-lodgement comments have been addressed in the EIS accompanying the SSDA.	Throughout the EIS.

Comment	Response	Supporting Documentation
meeting on 24 June 2025, in relation to a proposed data centre development at the site.		
b) The matters raised for consideration at the pre-lodgement meeting and subsequent letter remain relevant for DPHI's consideration. Those matters and additional comments relating to the current SSD proposal are captured in the response below.	Noted.	N/A
c) The development should remain consistent with the preceding SSD Approval for the broader Fitzpatrick Industrial Estate and commitments in executed planning agreements and any restrictions/covenants on title.	The proposal is consistent with the approved Fitzpatrick Industrial Estate SSDA and subsequent local approvals. This includes alignment with the established subdivision pattern for the estate. All relevant planning agreements, easements, and any restrictions or covenants on title relevant to the subject site will be retained and complied with as part of the current SSDA. The proposal is also consistent with the approved stormwater management and detention strategy for the estate, with the site relying on the adjacent detention basin constructed under the SSD approval.	Section 1.3 of the EIS.
d) The development should demonstrate that there is adequate infrastructure to support and service the proposed use, including any shared stormwater management basins, wetlands, and the like.	Section 5 of the Integrated Water Management Plan (IWMP) prepared by ACOR outlines the existing constructed wetland and confirms that the wetland water quality system and on-site detention capacity have been sized for Lots E, F and G including the subject site within the approved Fitzpatrick Estate subdivision catchment. The IWMP demonstrates that the proposed stormwater management measures have been designed to integrate with	Revised Integrated Water Management Plan at Appendix ZK

Comment	Response	Supporting Documentation
	and rely on the approved adjacent wetland and detention basin. It confirms that sufficient capacity exists within this shared infrastructure to accommodate the development during operation. Section 5 of the IWMP also details the on-site stormwater conveyance and treatment measures including the collection treatment and controlled discharge of flows to the existing constructed wetland ensuring consistency with the broader estate-wide stormwater strategy.	
e) The proposal should provide a Water Management Strategy for the site that aligns with the precinct strategy. This should include details of on-lot water reuse and the provision of Gross Pollutant Traps. Council controls seek an 80% target for water reuse. Given the proposed use, the development should strive to get as close to that target as possible.	Section 5.4 of the IWMP prepared by ACOR describes the stormwater quality treatment train, including details of the proposed Gross Pollutant Traps (GPTs) to provide primary stormwater quality treatment and hydrocarbon separation for stormwater outflows prior to discharge into the constructed wetland. Section 5 of the IWMP provides MUSIC model results to demonstrate how Penrith City Council WSUD and pollutant reduction targets are achieved by the development. Section 5.4.3 describes the rainwater reuse methodology for the site, which involves provision of 2 x 250 kL effective capacity rainwater tanks to supply toilets and landscape irrigation. ACOR notes that the provision of the specified rainwater tanks achieves approximately 73% of non-potable water demand for these uses.	Revised Integrated Water Management Plan at Appendix ZK

Comment	Response	Supporting Documentation
	It is also noted that the mechanical cooling system is an air-cooled system and therefore does not require water for operation. ACOR considers the current proposal for rainwater reuse to be consistent with Council requirements and best practice. On this basis, the proposed Water Management Strategy aligns with the broader precinct strategy and remains consistent with Council requirements and best practice.	
f) It is important to provide adequate setbacks from site boundaries to allow for deep soil landscaping that will provide a landscaped visual buffer. The placement of proposed utilities to support the development should be carefully considered and reconciled with the need to retain existing vegetation and provide new landscaping and tree canopy coverage at site edges to assist with urban heat and visual screening.	The proposal incorporates setbacks that facilitate deep soil planting and landscaped buffers consistent with the precinct objectives, including the provision of visual screening and urban heat reduction at site edges. The amended design has increased deep soil area from 14,733.8m² (19.07%) to 15,806.37m² (20.5%) following removal of the previously proposed industrial water tanks. This change has enabled a more generous landscape outcome and improved opportunities for tree canopy establishment. In addition, setbacks have been increased in key locations to support these outcomes. Along the western boundary, the original proposal provided a minimum setback of 8.5 metres. The amended proposal increases this setback to up to 18.49 metres across much of the boundary, facilitating substantial planting and canopy coverage. Landscaping strategies focus on reinstating and extending endemic species, as outlined in the Architectural Design Report	Revised Architectural Drawings at Appendix E Revised Landscape Design Report at Appendix K

Comment	Response	Supporting Documentation
	and Landscape Design Report. The north-eastern setback along Lenore Drive in particular provides for significant planting and tree canopy establishment, supported by integrated landscape zones shown on the updated Architectural Drawings. The siting of utilities has been carefully coordinated with these landscape outcomes. Larger elements such as fire tanks and the pump room are contained within the building envelope or internalised within setbacks, while smaller structures such as the security office are located at the site edge and incorporate landscape screening. The proposal achieves an overall tree canopy coverage of 10.59% of the site area, exceeding the 10% minimum required under the DCP. Collectively, these changes result in increased deep soil area, improved permeability, reduced urban heat island effects and a more refined visual outcome when viewed from surrounding interfaces.	
g) The proposed spatial planning results in some portions of the setbacks from Lenore Drive and Lockwood Road being less than the required 20m and 15m as per Chapter E6 of the Penrith DCP. This non-compliance, coupled with the non-complying site coverage, proposed building height, and large building footprint should be considered by DPHI in relation to visual impact and landscaping.	The areas identified as not meeting the DCP setback controls are limited to small portions of the north-west and south-west corners of the site. These variations arise from the irregular geometry of the allotment rather than a broad encroachment into the prescribed setbacks. The majority of the development achieves or exceeds the relevant setback controls, particularly along the Lenore Drive frontage, where setbacks on average significantly exceed the numerical requirement.	Revised Architectural Drawings at Appendix E

Comment	Response	Supporting Documentation
	The amended proposal has also resulted in a number of improvements relevant to Council's concern regarding built form and visual impact. These include a slight reduction in site coverage, increased deep soil area and targeted increases in setbacks in key locations. Notably, the western boundary setback has increased from 8.5 metres to up to 18.49 metres across much of the boundary following removal of the previously proposed industrial water tanks and their replacement with landscaping. Setbacks along the Lenore Drive frontage remain substantial, with a minimum setback of 13.17 metres at the north-west corner, increasing to over 28 metres to the substation and more than 50 metres to the eastern building. These variations reflect localised design responses to access and road alignment rather than a systematic reduction in setback. It is also noted that the setback and height controls referenced are contained within the DCP and are not statutory LEP standards. Accordingly, they are to be applied having regard to the underlying objectives, including visual amenity, landscape outcomes and built form transition. A range of design measures have been incorporated to ensure these objectives are achieved. The built form has been positioned to provide generally generous setbacks, with the primary building mass aligned with the adjoining western development and increasing separation to Lenore Drive toward Ropes Creek. The removal of 23 industrial water tanks and	

Comment	Response	Supporting Documentation
	consolidation of plant has enabled additional deep soil planting and landscaping, particularly along the western boundary and within the site. The existing landscaped berm along Lenore Drive has been retained and enhanced with additional native planting to provide effective screening of lower building elements. Landscape treatments along the eastern interface complement and extend the vegetated corridor associated with Ropes Creek. Utilities and ancillary elements have been integrated within the built form or appropriately screened to avoid encroachment into key landscape zones. These measures, in combination with increased deep soil area and canopy planting, reduce the perceived bulk and scale of the development when viewed from the public domain. The Visual Impact Assessment confirms that the proposal achieves an acceptable visual outcome, notwithstanding the minor and localised variations to DCP setback controls.	
h) The proposed building height is 26.5m, which significantly exceeds the 15m height control at Chapter E6 of the Penrith DCP. Ultimately, this is a matter for DPHI to consider as the assessing and consent authority. The resulting visual mass of the built form resulting from the height non-compliance is exacerbated by the large footprint, additional hardstand areas for infrastructure, and non-compliance with landscaped setbacks.	The amended proposal retains the previously assessed building height of 26.5 metres. This height should be considered in the context of the site and the established industrial character of the Erskine Business Park, where larger building forms are typical and necessary to support industrial and data centre uses. The height control is a DCP provision and not a statutory LEP standard and is to be applied having regard to achieving appropriate design and visual outcomes.	Revised Architectural Drawings at Appendix E Revised Visual Impact Assessment at Appendix ZH

Comment	Response	Supporting Documentation
	While Council has raised concerns regarding the combined effect of building height, footprint and setbacks, the amended proposal includes a number of refinements that reduce the overall visual bulk of the development. These include a slight reduction in site coverage, removal of 23 industrial water tanks, and an increase in deep soil areas and landscaping across the site. The tallest elements of the development, including the data centre buildings and generator gantry, are well setback from Lenore Drive and located away from sensitive interfaces. The primary building mass is positioned to maintain a generous frontage setback, with the built form oriented north-south to break up the perceived scale and present longer elevations to less sensitive boundaries, including adjoining industrial land to the west. To the east, the development interfaces with the vegetated corridor along Ropes Creek, which provides substantial screening. This is reinforced through increased setbacks and additional planting, further reducing the visibility of built form from this interface. These measures, combined with retention and enhancement of the landscaped berm along Lenore Drive and additional canopy planting, mitigate the perceived bulk and scale of the development when viewed from the public domain. The Visual Impact Assessment confirms that the proposal achieves an	

Comment	Response	Supporting Documentation
	acceptable visual outcome in its context, notwithstanding the variation to the DCP height control.	
i) In addition, the proposed height non-compliance should be considered through a comprehensive visual impact assessment and landscape plan. The visual assessment should include viewpoints from nearby residential areas / dwellings, noting the objectives of the DCP height control. The proposed earthworks should limit filling of the site as this will exacerbate the bulk of the building in its visual setting.	A VIA has been prepared and was submitted with the EIS. The assessment includes a range of viewpoints and confirms that the proposal achieves an acceptable visual outcome in its context. The proposed earthworks have been designed to minimise fill while maintaining appropriate building levels. The finished floor levels have been set to provide adequate freeboard and ensure effective stormwater drainage. Further reduction in fill would compromise drainage performance and increase flood risk.	Revised Visual Impact Assessment at Appendix ZH Revised Engineering Plans at Appendix ZJ
j) Although the building mass is broken into two forms, the central area between the two buildings is occupied by hardstand (access road) and infrastructure. Therefore, there is no opportunity to provide landscaping to break up the building mass. Visual relief from the building mass relies on architectural detailing. If the proposal is supported, the consent authority should ensure that high quality materials, articulation and detailing is retained as the design is refined. This includes the expressed joints and shadow lines in the facade panels; and light colours; and awnings to assist with urban heat. The office components should use different architectural language, particularly given its position which sits proud of the main building and is elevated. The office should be a smaller, lightweight element.	The amended proposal introduces additional landscaping within areas previously allocated to hardstand and plant, following removal of the industrial water tanks. This creates new opportunities for planting within the central north-south spine of the site, allowing for partial softening of the space between the two buildings and reducing the perceived bulk of the development. While the central access road remains necessary for operational and emergency vehicle access, landscaping has been integrated where feasible to provide visual relief and complement the broader site landscape strategy. No changes are proposed to the architectural treatment of the office component. The office has been designed to read as a	Revised Architectural Drawings at Appendix E Revised Architectural Design Report at Appendix F

Comment	Response	Supporting Documentation
	distinct element through its form, scale and detailing, and presents as a smaller, more lightweight component relative to the primary data hall buildings. The architectural design incorporates a high level of articulation, including expressed joints, shadow lines and modulation of façade panels to break up building mass. The northern elevation introduces a cantilevered form that provides additional articulation and shadowing, while also offering weather protection at entry points. A restrained palette of high-quality materials and lighter finishes has been adopted to reduce visual heaviness. Integrated awnings and shading elements further contribute to articulation and assist in mitigating urban heat. These measures ensure that both landscaping and architectural detailing work together to provide visual relief and achieve an appropriate built form outcome, consistent with the intent of the DCP.	
k) The proponent has previously referred to using 'green concrete' for sustainable design. DPHI should consider and ensure that urban heat and sustainability objectives are met, including the controls in Council's LEP and DCP relating to Urban Heat and sustainability.	As outlined in the EIS and the revised ESD Report, the proposal incorporates a range of measures to minimise urban heat and support broader sustainability objectives, including: ▪ High-reflectivity external finishes to minimise heat absorption and contribute to cooler surrounding temperatures.	Revised ESD Report at Appendix ZE

Comment	Response	Supporting Documentation
	- Over 20.5% of the site is landscaped with deep soil planting to provide shading and evapotranspiration cooling. - Evaporative heat rejection with vertical discharge to minimise localised temperature increases. - Significant separation from sensitive receivers, with nearest residences located more than 300 metres away. These measures are consistent with the relevant LEP and DCP objectives relating to urban heat and environmental performance and will be further refined during detailed design. In addition, STACK has established broader corporate sustainability commitments that support the delivery of low-carbon and energy-efficient developments. This includes participation in industry initiatives such as the Infrastructure Masons Climate Accord, a commitment to 100% renewable energy across its portfolio, and the use of lower carbon materials and technologies where feasible, including green concrete, recycled steel, alternative fuels and advanced energy systems. Overall, the proposal demonstrates a strong and integrated approach to urban heat mitigation and sustainability, consistent with applicable planning controls and best practice outcomes.	
I) The proposed hardstand area accommodating several substations could include lightweight roof structures or coverings to assist with urban heat and shading.	The provision of roof structures over substation areas is not proposed as these facilities require clearances and ventilation for safe and reliable operation.	N/A

Comment	Response	Supporting Documentation
m) The Proponent indicated that both heavy rigid (19m and 12.5m) and light vehicles will use the same access and manoeuvring areas. Although this does not comply with Council's controls to separate trucks and cars, DPHI should consider how vehicle access to the property is to be controlled and managed by the operator.	Urban heat is instead addressed through high-reflectivity materials, increased landscaping and canopy planting across the site, which provide effective shading and cooling without compromising operational requirements. The proposal incorporates functional separation of vehicle types within the site, with cars and pedestrians directed to the northern portion of the site, including access to the raised car parking deck and main entry. Heavy vehicles and loading activities are contained at ground level and are generally confined to the western and central loading areas. The amended layout introduces two-way access along both the eastern and southern internal roads. This allows light vehicles to circulate around the perimeter of the site and avoid the primary loading dock areas, reducing interaction with heavy vehicles and improving overall safety and efficiency of movements. Access to the site is secure and controlled via the Lockwood Road entry, enabling vehicle movements to be managed operationally by the site operator, including separation of vehicle types, access control and scheduling where required. While the proposal does not strictly separate heavy and light vehicles in accordance with Council controls, it achieves an appropriate level of functional separation and safe operation having regard to the operational requirements of the development.	N/A

Comment	Response	Supporting Documentation
n) Given the lapse of time between the later Validation Report, dated November 2008, and application lodgement, the Proponent should demonstrate to DPHI's satisfaction that there have been no activities on site (such as earthworks/stockpiling) that may warrant further investigation.	As outlined in Section 6 of the Detailed Site Investigation (DSI) prepared by Douglas Partners submitted with the original EIS, the November 2008 Validation Report and other relevant reports were reviewed as part of the desktop assessment to identify potential contamination risks. The 2008 Validation Report relates to a separate site to the north-west of the subject land. The identified contamination, including ACM and hydrocarbons, was associated with that site and groundwater was reported to migrate away from the subject site. No risks to the subject site were identified. The DSI also includes intrusive investigations undertaken in 2025 which account for any activities that may have occurred on the site since 2008. These investigations did not identify contamination that would preclude the proposed use. Accordingly, the site is considered suitable for the proposed development from a contamination perspective.	Revised Detailed Site Investigation at Appendix Q
2. City Planning Considerations		
a) Council contributions pursuant to section 7.12 of the Act will apply to the proposed development: amendment_1_penrith_s712_contributions_plan_final_-_oct_2021.pdf	Noted.	N/A
b) The proponent acknowledges in section 4.2 of the EIS that the 'Penrith City Section 7.12 Citywide Development Contributions	Noted.	N/A

Comment	Response	Supporting Documentation
<i>Plan for Non-Residential Development 2020</i> applies to this development.		
c) A small correction, but please note that the correct plan that applies is <i>Amendment 1 Penrith City Section 7.1 Citywide Development Contributions Plan for Non-Residential Development 2021</i> .	Noted. The Statutory Compliance Table has been updated to correct this reference.	Revised Statutory Compliance Table at Appendix B
d) Section 3.2.3 of this contribution plan sets out the requirement for developments with a cost of works over \$750,000 to provide a cost summary report prepared by a quantity surveyor.	The original EIS was accompanied by an Estimated Development Cost (EDC) Report in accordance with the SEARs. A revised EDC Report has been prepared to address the amended proposal and feedback from DPHI.	Revised Estimated Development Cost Report at Appendix G
e) The cost summary report must be in accordance with section 208 of the <i>NSW Environmental Planning and Assessment Regulations 2021</i> , which sets out items for inclusion and exclusion.	The revised EDC Report has been prepared in accordance with Section 208 of the EP&A Regulation. It includes all relevant construction and development costs and excludes items prescribed under the Regulation such as land acquisition, financing, legal fees and other non-construction costs.	Revised Estimated Development Cost Report at Appendix G
f) As per 3.2.3 of the contribution plan, the quantity surveyor must be a registered member of the Australian Institute of Quantity Surveyors.	The requirements of Council's Contribution Plan are acknowledged. However, DPHI's Planning Circular PS 25-004 (October 2025) confirms that for SSDAs with an estimated development cost exceeding \$3 million, EDC Reports may be prepared by either an AIQS certified quantity surveyor or a RICS chartered quantity surveyor. The EDC Report submitted with the application has been prepared by a RICS chartered quantity surveyor in accordance with this Circular and is therefore considered appropriate for the purposes of the SSDA.	Revised Estimated Development Cost Report at Appendix G

Comment	Response	Supporting Documentation
g) The provision of a cost summary report, in accordance with the Regulations, will enable the City Planning team to calculate the development contributions triggered by this proposed development.	Noted. The revised EDC Report will enable Penrith City Council's City Planning unit to calculate the development contributions triggered by this project.	Revised Estimated Development Cost Report at Appendix G
3. Development Engineering Considerations		
<u>Basin access and restrictions over access</u> a) There are constructed wetlands to the immediate east of the site, which appear to be retained as part of the subdivision pattern that includes the subject site. It is understood the basin and wetland are private infrastructure that serves the broader industrial estate. Access for the estate is to be provided and retained to the northern and southern ends of the wetlands. There is currently access from the northern basin and additional connectivity has been provided to this existing access location. However, there does not appear to be suitable maintenance access to the southern basin. The Proponent is to ensure that a dedicated and proximate access to the southern end of the southern basin is provided. The Rights of access to allow the associated access are to be created over all access roadways and portions of the site relevant for these purposes.	Vehicle access to both the northern and southern basins is provided via the existing maintenance access road from Lenore Drive. Access to the southern basin is also available via existing unsealed gravel and dirt tracks around the constructed wetland, which provide access for maintenance vehicles and personnel. These existing access arrangements provide suitable maintenance access to the southern basin.	Revised Engineering Plans at Appendix ZJ
<u>Stormwater</u> a) Civil works plans have been noted within the submission that show the network of drainage infrastructure in the proposed roadways. The submission does not include roof drainage plans,	The civil drawings have been updated to include roof drainage plans, downpipe locations and roof drainage connections to the rainwater tanks.	Revised Engineering Plans at Appendix ZJ

Comment	Response	Supporting Documentation
associated downpipe details and positions, nor the drainage network connecting all roof drainage to the road drainage system. Indicative positions for rainwater reuse tanks have been shown but are not detailed. There does not appear to be any reticulation drawings showing proposed rainwater reuse supply network to points of usage nor any associated details. Stormwater drainage for the site should be in accordance with the following: i. Council's Development Control Plan, ii. <i>Stormwater Drainage Specification for Building Developments</i> policy, and iii. <i>Water Sensitive Urban Design Policy and Technical Guidelines</i>. b) It is recommended that stormwater plan addressing these requirements be submitted with the application. c) It is recommended any stormwater plan be accompanied by a completed 'Checklist for Stormwater Concept Plans' as per Appendix A of Council's Stormwater Drainage Specification for Building Developments policy. d) It is recommended that maintenance vehicle parking and operational area be designed around any proposed/existing GPT units.	Figure 6 of the revised IWMP provides the stormwater quality catchment plan, including landscaped areas. The IWMP also clarifies the extent of landscaped areas to be irrigated by the rainwater reuse system to support the reuse calculations. The Council Checklist for Stormwater Concept Plans has been completed and submitted with the revised civil drawings. The proposed gross pollutant traps are located adjacent to the internal sealed circulation roadway, allowing maintenance vehicles to access the unit directly for cleaning and waste removal.	Revised Integrated Water Management Plan at Appendix ZK
<u>Flood affectations to site</u>	The Flood Impact Risk Assessment (FIRA) has been updated to include further information available from Penrith City Council	Revised Flood Impact Risk Assessment at Appendix ZD

Comment	Response	Supporting Documentation
a) The site is flood affected by local overland flow flooding from the local catchment. An extract of the local overland flood flows through the western portion of the site is attached. There is an access road proposed around the eastern side of the generator gantry area that is within the 1%AEP flood affected area of the site. There will be associated retaining walls, footing and/or associated batters associated with any works in this area that are not clearly indicated. It is recommended the generator gantry area and associated service roads and the full extent of any battering or retaining structures required be designed clear of the 1% AEP flood extent. b) It is recommended the DPHI does not support any works or any filling within any portion of the site affected by the 1% AEP. c) An application can be made to Council to obtain Council's current adopted flood extent for the site. A Flood Level Enquiry request is to be made to Council via the Flood Level Information application form which is available from Council's website. d) It is recommended that the application demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's LEP and DCP Controls for Flood Liable Lands. In this regard, it is recommended the application address all parts of Clause 5.21 Flood Planning of Penrith Local Environmental Plan 2010 and Part C3.5 Flood Planning of Penrith Development Control Plan 2014.	via a Flood Level Enquiry, which provides 1% AEP and PMF levels for the site. Section 7 of the revised FIRA provides an assessment of the 1% AEP and PMF flood extent relative to the proposed development works and site filling for circulation road construction to demonstrate negligible impact to the food levels. Based on the updated assessment, and the demonstration that the proposed filling works for the eastern circulation roadway within the 1% AEP flood and PMF extents will be limited to the existing embankment along the eastern boundary, modelling of the post-development scenario should not be required due to the negligible impact on flood extents. ACOR consider the assessment and the development works within the existing embankment and flood extents is consistent with the requirements set out within Penrith DCP Section 3.5.14 and NSW Flood Risk Management Manual.	

Comment	Response	Supporting Documentation
e) It is recommended the Overland Flow Flood Impact Assessment Report assess and determine flood behaviour and characteristics under future climate change flooding conditions in accordance with Clause 5.21 Flood Planning of Penrith Local Environmental Plan 2010. The following rainfall increases shall be used as a minimum when assessing the various climate change scenarios: 4.9% (High 2030); 9.1% (Low 2090); 13.9% (Medium 2090) and 18.6% (High 2090). The information held by Council is for the existing situation. Addressing these requirements may result in an increase in extent of the future anticipated/modelled 1% AEP extent affecting the subject site. Any design should take this requirement into consideration.		
<u>External works</u> a) The driveway crossovers do not appear to be fully shown on the architectural submission. Plans should be shown at a legible scale incorporating all existing and proposed roadway details. The driveway crossings shall be at a minimum of 1m clearance from any public utility service lid, power / light pole or stormwater kerb inlet pit and lintel. The driveway shall also be located a minimum of 2m from any street tree. Utility services may be required to be relocated to accommodate the crossover.	The civil drawings have been updated to show the complete driveway dimensions along with the extract of Council's standard driveway crossing detail.	Revised Engineering Plans at Appendix ZJ
4. Traffic Engineering Considerations		

Comment	Response	Supporting Documentation
a) Lenore Drive is a State Road under the care and control of TfNSW. Concurrence would be needed for any access during construction stages to/from Lenore Drive.	Noted. TfNSW has raised no issues with the proposal to date, including construction vehicle access via Lenore Drive. It is also noted that the amended proposal includes HV transmission lines within Lenore Drive. Accordingly, concurrence from TfNSW will be sought as part of the relevant approval process for these additional works.	N/A
b) The Transport Impact Assessment Report and the swept path diagrams provided indicate that a 19m semi-trailer will be the largest vehicle required to enter the site. As such, it is recommended that should approval be granted, the proposal is conditioned so as not to allow vehicles of greater than 19m in length to access the site.	Australian Standard AS2890.2 expressly allows for occasional access by vehicles larger than the nominated design vehicle. In this context, the 19 m semi-trailer represents the design vehicle for regular operations, with any larger vehicles limited to infrequent or exceptional circumstances. Imposing a blanket restriction on vehicle length would be inconsistent with the Standard and would unnecessarily constrain site operations. Accordingly, such a condition is not warranted.	N/A
c) Typically, for safety reasons, it would be expected that heavy vehicle access would be separated from other vehicular access. It is noted that this proposal has shared entry and exit driveways for all vehicles, and that potential conflicts are proposed to be mitigated through the implementation of security arrangements at the entry which will control vehicular movements to one vehicle at a time whilst security clearances are undertaken. Any assessment must confirm that these mitigation measures are adequate.	Noted. The secure entry and exit arrangement for the site does not allow for physical separation of heavy and light vehicles. However, vehicle movements occur within a controlled and low-speed environment with clear sight lines at the access point. All vehicles are required to pass through a secure air lock where movements are managed by on-site security. This process enables controlled, one-at-a-time access and allows the timing of heavy vehicle entry and exit to be coordinated to avoid	N/A

Comment	Response	Supporting Documentation
	conflicts with light vehicles. The internal circulation also operates in a consistent direction which further reduces interaction risk. These operational controls provide an effective and appropriate level of safety for the shared access arrangement.	
d) Any potential for queuing onto the public roadway is of primary concern to Council. The TIA states that in practice, staff vehicles can access through security air locks at a rate of two vehicles per minute or a throughput capacity of 120 vehicles per hour, and the expected am peak arrival is 37 vehicles. The TIA states that the provisions for queued vehicles during the peak inbound movements of the site are considered satisfactory, however it should be demonstrated that there is sufficient area within the site boundary for vehicles queuing to access the proposed security access measures, and queue lengths determined, where numbers of vehicles may arrive for a shift at the same time (i.e. in excess of the stated two vehicles per minute).	The Transport Impact Assessment (TIA) includes a 'worst case' assessment of vehicle arrivals, assuming all trips occur within a one-hour period and that all staff drive to the site. This scenario is considered highly unlikely. Under this assessment, the 99th percentile queue length is estimated at approximately 3 to 4 vehicles. The distance between the site boundary and the security gate is around 30 metres, which accommodates up to 5 vehicles within a single lane. The available width also allows for multiple vehicles to queue side by side near the air lock, increasing overall queuing capacity. On this basis, sufficient on-site capacity is available to accommodate peak demand and queuing is not expected to extend onto the public road network.	Revised Transport Impact Assessment at Appendix U
e) The proposed provision of off-street parking is 78 spaces. This is below the warehouse rate for both Council DCP and TfNSW Guide to Transport Impact Assessment. The application points out the operational differences between data centres and other types of warehouses as the reason why less parking is required.	It is noted that Council's DCP does not provide any recommended parking rates for 'data centres'. Accordingly, the TIA accompanying this application provides a clear, evidence-based, first principles assessment of potential parking demands	Revised Transport Impact Assessment at Appendix U

Comment	Response	Supporting Documentation
The actual parking demand for the site must be confirmed to meet the staffing/visitor/servicing requirements for this type of facility in undertaking any assessment, particularly when operating at maximum capacity (including overlap periods at the end/change of shift, if relevant).	versus available capacity and confirms that the site's parking capacity well exceeds operational demands. The TIA provides an assessment of parking demands on three levels, namely: ▪ Consideration of the DCP ▪ First principles assessment of peak staff demands of the proposal ▪ Reference to TfNSW rates for warehousing based on staff per GFA Additional staff over and above baseline staff of 43 persons arrive sporadically throughout the day, and with an average of only 5-15 persons the parking provision allows for all persons to arrive in their own vehicle. The parking demand assessment in the TIA is considered robust and has specifically confirmed staff / visitors are more than catered for within the project. Of note, the parking provision is near double the peak staff demand.	
f) It is also critical to determine whether safe pedestrian movements through the site, including the carpark, have been adequately demonstrated as it appears there may be locations on the site where heavy vehicles and pedestrians may be in conflict.	The proposal provides separation of pedestrian and vehicle movements throughout the site for the majority of users, with staff directed to an upper-level car park that offers direct and convenient access to the building entries. Within the ground level areas, pedestrian movement will be further supported through clearly defined pathways adjacent to the buildings, including along the eastern edges of Buildings 1 and 2, to minimise interaction with circulating vehicles.	N/A

Comment	Response	Supporting Documentation
	On this basis, safe pedestrian access can be achieved across the site, with detailed design measures able to be finalised through conditions of consent.	
g) The dimensions of driveways, internal roadways & ramps, car parking spaces, aisles, sight distance and loading areas are not clearly indicated on the plans, therefore it is difficult to ascertain whether these comply with Australian Standards (i.e. AS 2890.1 – 2004 for off-street parking, AS2 890.2- 2002 for heavy vehicles and AS 2890.6-2009 for disabled spaces). The TIA indicates that these are complied with, however this must be confirmed on the plans in any assessment.	The civil plans have been updated to clearly show the dimensions of driveways, internal roadways, ramps, car parking spaces, aisles, sight distances and loading areas. These updates confirm compliance with the relevant Australian Standards, including AS 2890.1, AS 2890.2 and AS 2890.6, consistent with the findings of the TIA.	Revised Engineering Plans at Appendix ZJ
h) The CTMP should be referred to TfNSW for concurrence due to the frontage on Lenore Drive. The CTMP appears to only be preliminary in that it does not include any detailed TGSs (Traffic Guidance Schemes) for the proposed construction. A complete CTMP must be provided should consent be granted.	Noted. TfNSW has raised no issues with the traffic assessments submitted with the application, including the TIA, Green Travel Plan and preliminary CTMP. The CTMP has been prepared based on the level of information available at this stage of the project, prior to detailed design and contractor appointment. It is therefore appropriate that detailed Traffic Guidance Schemes and site-specific measures are developed as part of the final CTMP at the construction certification stage. It is also noted that the amended proposal includes HV transmission works within Lenore Drive. Accordingly, a supplementary CTMP has also been prepared specifically to	Supplementary Preliminary Construction Traffic Management Plan – External HV Works at Appendix ZP

Comment	Response	Supporting Documentation
	address this additional scope and will be referred to TfNSW for their concurrence.	
5. Environmental Management Considerations		
<u>Land contamination</u> a) Chapter 4 of SEPP (Resilience and Hazards) 2021 requires that the consent authority is satisfied in relation to the site's suitability for the proposed use. In turn, DPHI will need to ensure that the site is suitable, or can be made suitable, prior to its use. b) It is requested that copies of any further contamination-related documentation (such as Remediation Action Plans, Validation Reports and Long-Term Environmental Management Plans, along with any documents prepared by an NSW EPA Accredited Site Auditor endorsing these documents) be provided to Council. These will be recorded on the property file and will be placed as property notations on Section 10.7(5) planning certificates.	As outlined in Section 14 of the Detailed Site Investigation (DSI) submitted with the original EIS, the site is suitable for the proposed development from a contamination perspective. No remediation, validation or further contamination-related documentation is required. Standard construction phase measures will be implemented, including unexpected finds and asbestos protocols, as part of site management during earthworks. An additional PSI has been prepared for the HV connection route, which has confirmed that the excavation works are not likely to encounter any contamination. An unexpected finds protocol has also been prepared and will be adopted as a mitigation measure during these works.	N/A
<u>Environmental management</u> a) Any adverse impacts on surrounding receivers and the environment are to be avoided and mitigated where necessary, in accordance with any relevant planning instrument and the relevant NSW EPA guidelines.	Noted. Proposed mitigation measures for the amended proposal are summarised at Appendix C .	Revised Mitigation Measures Table at Appendix C

Comment	Response	Supporting Documentation
<u>Hazardous industry</u> a) DPHI will need to be satisfied that the proposed development is assessed in compliance with Chapter 3 of SEPP (Resilience and Hazards) 2021 and that the assessment is undertaken in accordance with relevant guidelines and standards, such as the Hazardous Industry Planning Advisory Papers.	The original EIS was accompanied by a SEPP Resilience and Hazards Risk Screening report. The amended proposal is accompanied by a revised SEPP Resilience and Hazards Risk Screening report. The report has been prepared in accordance with applicable legislation (including the R&H SEPP) and other relevant guidelines and standards as appropriate for the development.	Revised Hazards and Risk Screening Report at Appendix ZF
<u>General comments</u> a) DPHI as the assessing authority will undertake a comprehensive review of the EIS, including appended technical reports, assessing environmental health impacts. Upon DPHI being satisfied with the application, Council staff anticipate that any mitigation and monitoring measures contained in the EIS, as put forward in the technical documents (and as refined or modified to satisfy DPHI during the assessment process), will be incorporated into any approval issued by DPHI, ensuring potential environmental impacts can be effectively managed and monitored.	Noted.	N/A
6. Waterways Considerations		
a) The proposed development includes the use of on-lot GPT's and rainwater tanks. The site connects to the stormwater drainage network that was approved as part of the parent subdivision. The maintenance of the stormwater treatment infrastructure will be the responsibility of the developer / owner	Section 5.4 of the IWMP prepared by ACOR describes the stormwater quality treatment train including details of the proposed GPTs to provide primary stormwater quality treatment and hydrocarbon separation for stormwater outflows prior to discharge into the constructed wetland. Section 5 of the IWMP	Revised Integrated Water Management Plan at Appendix ZK

Comment	Response	Supporting Documentation
in perpetuity. Rainwater reuse is proposed for some uses but is unlikely sufficient to meet all non-potable demands associated with the development.	provides MUSIC model results to demonstrate how Penrith City Council WSUD and pollutant reduction targets are achieved by the development. Section 5.4.3 describes the rainwater reuse methodology for the site which involves provision of 2x 250kL effective capacity rainwater tanks to provide rainwater reuse for toilets and landscape irrigation. We note that the provision of the specified rainwater tanks achieves approximately 73% of non-potable water demand for toilets and irrigation.	
b) The department should ensure that the sizing of rainwater harvesting tanks is appropriate to maximise the supply for non-potable uses (noting Councils requirement that a minimum of 80% of non-potable demands should be met with harvested rainwater). The water demands for the development are likely to exceed the ability to meet all non-potable demands with harvested rainwater. As such, it may be appropriate to consider how the development could be undertaken to minimise the use of potable water (e.g., consider harvesting stormwater or connect to Sydney Water's recycled water network which is being provided in nearby precincts).	See above response.	Revised Integrated Water Management Plan at Appendix ZK
c) In the case the development proposal is supported by the consent authority, conditions should be applied to ensure that the on-lot GPT's and associated stormwater treatment infrastructure will be the responsibility of the developer / property owners to maintain (they cannot be dedicated to	Noted. It is acknowledged that the placement of a positive covenant on these assets aligns with general practice.	N/A

Comment	Response	Supporting Documentation
Council). It is suggested that positive covenants and restrictions of use are applied.		
Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation Group		
Biodiversity		
The project description provided in the EIS is consistent with the biodiversity development assessment report (BDAR) waiver for this SSD that was granted on 3 September 2025 by CPHR. If the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the proponent will need to lodge a new BDAR waiver request or prepare a BDAR.	A revised BDAR Waiver Request has been prepared to account for the amended proposal, including the additional land associated with the external HV route.	Revised BDAR Waiver Request at Appendix ZB
Flooding		
CPHR advises that the Flood Impact and Risk Assessment (FIRA) is inadequate. A revised FIRA prepared in accordance with the Flood Risk Management Guideline LU01 Flood Impact and Risk Assessment should be submitted.	Section 7 of the updated FIRA provides an assessment of the 1% AEP and PMF flood extent relative to the proposed development works and site filling for circulation road construction to demonstrate negligible impact to the food levels. Based on the assessment, and the demonstration that the proposed filling works for the eastern circulation roadway within the 1% AEP flood and PMF extents will be limited to the existing embankment along the eastern boundary, modelling of the post-development scenario should not be required due to the negligible impact on flood extents.	Revised Flood Impact Risk Assessment at Appendix ZD

Comment	Response	Supporting Documentation
	The FIRA has been updated to include further information available from Penrith City Council via a Flood Level Enquiry, which provides 1% AEP and PMF levels for the site. It is noted that the site is dictated by flood levels defined by the Wianamatta South Creek Catchment Flood Study (Advisian, 2022) which have been reflected on the assessment of development works relative to the flood extent, illustrated in Figure 4 of the FIRA. This has been confirmed with receipt of the Penrith City Council Flood Level Enquiry included as Appendix C to the FIRA.	
NSW Environment Protection Authority		
Based on the information provided, the proposal will require an Environment Protection Licence (EPL) under section 43 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) for Chemical Storage clause 9 and may require an EPL for electricity generation clause 17 of Schedule 1 of the POEO Act.	Noted. Sections 3.1 and 3.2 of the AQIA assess the relevant scheduled activities and applicable thresholds under the POEO Act. The assessment confirms that the proposal triggers the thresholds for chemical storage and electricity generation. An EPL will be obtained as required prior to operation.	Revised Hazards and Risk Screening Report at Appendix ZF
Air Quality Assessment		
<u>1. Potential for over 200 hours of generator operations</u> The AQIA states that the generators will be tested for 198 hours, however, it is unclear although unlikely, that this has included warm-up/cool-down periods. 198 allows for very little buffer for non-routine operation (including but not limited to emergency power use). The AQIA refers to network reliability statistics (Figure	The original AQIA adopted an annual generator testing duration of approximately 198 hours. STACK has since amended the proposed testing regime (refer Table 4 of the updated AQIA), reducing routine testing to approximately 136 hours per year. This revised testing duration remains well within the 200-hour annual threshold for exemption from nitrogen dioxide (NO₂)	Revised Air Quality Impact Assessment at Appendix L

Comment	Response	Supporting Documentation
16) that there has been an average of 82 minutes power outages in the last 10 years. However, that is the normalised data which excludes planned interruptions and Major Event Days (eg. storms) (Ausgrid 2025 report). Figure 16 shows that unnormalised power outages averaged 142.9 minutes (2.4 hours) over 10 years with a yearly maximum of 303.6 minutes (5+ hours). As the emergency generators will be required regardless of the cause of loss of power, the calculation of hours should include an adequate conservative buffer, otherwise demonstration on how the applicant intends to achieve the POEO Clean Air Regulation limit for NO ₂ for the generators must be provided.	concentration standards under Clause 73 of the <i>POEO (Clean Air) Regulation 2022</i> (Schedule 2, Part 2, Division 3). In relation to network reliability, the AQIA references both normalised and unnormalised outage data. Updated statistics indicate: ▪ Normalised average: 81.9 minutes per year. ▪ Unnormalised average: 143.4 minutes per year. ▪ Maximum annual outage (unnormalised): 303.6 minutes. Historical outages, including the maximum recorded year (approx. 5 hours) are short in absolute terms. The revised AQIA considers these outage statistics in Section 8.2.1 to contextualise the likelihood of both a power supply interruption and any potential air quality impacts.	
The EPA recommends that DPHI requests from the applicant further information and clarity on the use of the diesel generators including: a) That testing is occurring in accordance with manufacturer specifications,	All commissioning and routine load testing of the standby generators will be carried out in accordance with the relevant manufacturer specifications and maintenance requirements for the selected generator model, ensuring reliable operation in the event of a utility failure.	Revised Air Quality Impact Assessment at Appendix L
b) That the hours of operations are calculated based on all minutes where generators are on (i.e. ensuing that warm-up/cool-down periods are included in the calculation),	Annual generator operating hours, as presented in Table 4 of the revised AQIA, include all periods during which the generators are operating. The generators are maintained in a service-ready state and do not require a warm-up period, with start-up times	Revised Air Quality Impact Assessment at Appendix L

Comment	Response	Supporting Documentation
	of less than 20 seconds. Any applicable cool-down periods are included in the total operating hours for compliance purposes.	
c) That an adequately conservative buffer is included for non-routine generator use.	The revised routine testing regime of 136 hours per year is well within the 200-hour annual threshold for exemption from NO ₂ in-stack emission concentration standards under the <i>POEO (Clean Air) Regulation 2022</i> (Schedule 2, Part 2, Division 3). Historical Endeavour Energy outage data (normalised, un-normalised, and maximum values) have been considered in the revised AQIA to provide context for potential emergency generator operation.	Revised Air Quality Impact Assessment at Appendix L
d) If the proposed generator use exceeds 200 hours, the EPA recommends that DPHI request the applicant provide details of how the POEO Clean Air Regulation NO ₂ limit will be achieved.	Based on the revised testing regime of approximately 136 hours per year, and with all generator operating time included, total annual operation is expected to remain within the 200-hour threshold for exemption under the <i>POEO (Clean Air) Regulation 2022</i> . Accordingly, further demonstration of compliance with the NO ₂ limit is not required.	Revised Air Quality Impact Assessment at Appendix L
<u>2. Justification of emission performance</u> Table 12 of the AQIA states that the engine performance is 15.2 g/kWh for NO_x giving an emission rate of 13.9 g/s. This emission performance does not meet any emission performance level as it is below Tier 1 generator emission performance requirements of 9.2 g/kWh. The emergency scenario impacts are predicted to be over 1200% (Table 19) of the 1-hour NO₂ criterion. While EPA understands that the emergency scenarios for data centres of this scale all exceed the 1-hour NO₂ criterion and have a low	It is acknowledged that the nominated generator (Baudouin 16M55G3750/5) has a NO_x emissions performance of 15.2 g/kWh (refer Appendix E of the revised AQIA), which exceeds the US EPA Tier 1 reference value of 9.2 g/kWh and is higher than more stringent international standards. Emergency operation of the generators is expected to be infrequent and of short duration. Together with routine annual testing of approximately 136 hours, total generator operation is expected to remain below 200 hours per year, which is the	Revised Air Quality Impact Assessment at Appendix L

Comment	Response	Supporting Documentation
probability of occurring, the use of exceedingly poor engine performance results in excessive and unnecessary adverse impacts on surrounding receptors. The EPA recommends that DPHI requests the applicant to evaluate the generator emission performance against Best Available Technology (UK Emergency Generator BAT) and justify where best emission performance generators are not selected.	threshold under Clause 73 of the POEO (Clean Air) Regulation 2022 for exemption from NO₂ and NO concentration standards. The nominated generator has been selected to ensure operational reliability and suitability for emergency power supply at the site. Additional low-NOx abatement measures such as Selective Catalytic Reduction have not been incorporated due to technical and operational constraints associated with intermittent emergency operation. The revised AQIA includes a Best Available Technology review in Appendix G, which evaluates the nominated generator against relevant international standards and UK BAT benchmarks and provides a comparative basis for the selected configuration.	

Noise Assessment		
<u>1. Noise monitoring and amenity criterion</u> The increase of amenity criterion at location NCA1 from 'suburban' to 'urban' is partially justified by the results of unattended monitoring undertaken at NL1. The EPA notes that NL1 is located in the north-eastern corner of NCA1, while the receivers most affected by the proposal appear to be located along the southern corner and/or edge of the NCA. Section B1.1 of the Noise Policy for Industry (NPfI) states "Site the data logger(s) at the most- (or potentially most-) affected residence(s). If this is impractical, site the logger(s) at locations with a similar acoustical environment." The NIA uses attended monitoring	Observations during measurements indicated that the main sources of noise for residences in NCA1 are traffic noise from Lenore Drive, industrial noise from the industrial precinct, and nature (e.g., wind in trees and animals in the adjacent green spaces). The receivers in NCA1 are of a similar or lesser distance to these noise sources than the NL1 logger location and with a similar or better line of sight to these sources. It is therefore considered that noise levels within NCA1 will be the same or greater than those measured at NL1, and therefore that the adoption of measured noise levels at NL1 is appropriate for NCA1.	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
along the southern edge of the NCA to justify that the unattended measurement at NL1 is of a similar acoustical environment to the potentially most affected receivers in NCA1. The attended measurements from the early morning of 30th September 2025 show a reasonable agreement in levels between attended and unattended locations, however attended measurements in the late evening of 29th September 2025 appear to be ~10dB lower than those recorded at NL1. The EPA recommends that DPHI requests from the applicant further information to: - Justify that the background noise levels measured at NL1 are representative of the worst-affected receivers in NCA1 (which may require additional unattended monitoring). - Ensure that any changes in the measured background levels are reflected in the selection of amenity criterion and justified appropriately, and that any necessary adjustments to the intrusiveness criterion and project noise trigger levels (PNTLs) made.	It is noted that predicted noise levels in the updated NVIA generally comply with the established PNTLs for the adjacent NCA2 receivers (determined based on NL2 logger data and a suburban amenity category).	
<u>2. Predicted noise levels</u> The maximum operational noise level predicted on any façade is presented for each noise catchment area in Section 9.4.2 of the Noise and Vibration Impact Assessment. This section identifies maximum exceedances of up to 2dB across NCA2 but does not identify which individual receivers are impacted. All individual	A change in proposed plant and equipment has precipitated an updated NVIA. The updated NVIA concludes that predicted noise levels comply with the established PNTLs.	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
receivers predicted to experience exceedances of the PNTLs need to be identified with the predicted noise levels at those receivers presented. The EPA recommends that DPHI requests from the applicant further information to tabulate all receivers predicted to experience exceedances of the PNTLs with the noise levels predicted for each receiver.		
<u>3. Low frequency assessment</u> Section 9.4.4 of the Noise and Vibration Impact Assessment assesses low frequency characteristics down to 50Hz. Fact Sheet C of the Noise Policy for Industry requires a detailed evaluation of the one-third octave frequencies between 10Hz to 160Hz. The technical note <i>An example approach to consider low frequency noise in the context of the NSW noise policy for industry</i> (Acoustics Australia Vol. 48, No. 2, August 2020, pages 170-172), located on the EPA website, provides an example case study which shows how a lack of published sound power level data for plant and equipment down to 10Hz can be addressed. The EPA recommends that DPHI requests from the applicant further information specifically update the low-frequency assessment to include one-third octaves down to 10Hz with reference to <i>An example approach to consider low frequency noise in the context of the NSW noise policy for industry</i> (Acoustics Australia Vol. 48, No. 2, August 2020, pages 170-172)	The updated NVIA provides additional assessment of low-frequency noise in consideration of the proposed change in plant and equipment and measurements, at low frequencies, of similar plant and equipment.	Revised Noise and Vibration Impact Assessment at Appendix M

Comment	Response	Supporting Documentation
Diesel Generator Testing Regime		
The information provided does not clearly outline the proposed testing regime for the back-up generators. EPA recommends that DPHI requests from the applicant further information specifically: ▪ All testing types (e.g. monthly, annual) and details of scheduled and unscheduled works that would require use of back-up diesel generators (e.g. electrical infrastructure works), ▪ Number of tests for each generator/year, ▪ Number of generators to be tested at any one time, ▪ Testing duration for each generator (including cool down), ▪ Load during testing, ▪ Time of the day testing will occur, ▪ Maximum number of tests per day, ▪ Total number of cumulative hours generators will be tested and operated per annum.	Section 2.3.2 of the revised AQIA provides further information with regard to the proposed testing regime for the standby generators at the project site.	Revised Air Quality Impact Assessment at Appendix L
Waste Batteries		
The volume of waste batteries proposed to be stored at the Premises at any one time has not been clearly specified. The EPA advises DPHI to request information from the applicant that details the amount of waste batteries proposed to be stored on	The Dangerous Goods Report has been updated to address the fire water holding tank for storage of fire water runoff from the data halls.	Revised Dangerous Goods Report at Appendix ZG

Comment	Response	Supporting Documentation
the premises at any one time and appropriate fire management measures proposed, including separation and storage of any contaminated fire-fighting water.		
Greenhouse Gas Assessment		
The EPA has reviewed the Greenhouse Gas Assessment (GHG assessment) and confirms that the Proposal will likely generate more than 25,000 tonnes of Scope 1 and 2 CO₂-e emissions in at least one financial year during operation. As a result, the NSW Guide for Large Emitters (Large Emitters Guide) applies to this proposal. There is inadequate information provided in the GHG assessment and EPA requires additional information to complete its assessment against the requirements of the Large Emitters Guide.	The revised Greenhouse Gas Assessment (GHG assessment) has been updated in accordance with the Large Emitters Guide.	Revised Greenhouse Gas Assessment at Appendix ZI
<u>1. GHG inputs and assumptions</u> For the EPA to replicate the estimated emissions in the GHG assessment, details are needed to demonstrate how the reported activity data was quantified and how it is reflective of the project. To be consistent with section 4.4.1 of the Large Emitters Guide, the GHG assessment should clearly document the assumptions, data and methods used in estimating Scope 1 and Scope 2 emissions. The GHG assessment should include sufficient	Additional detail on inputs, assumptions and calculation parameters for Scope 1 and Scope 2 emissions has been included in the revised GHG assessment. This information has been expanded to clearly document the methodology, data sources and assumptions adopted. The revised assessment provides sufficient detail to enable replication of the emissions calculations and aligns with the requirements of the Large Emitters Guide.	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
supporting information to enable replication of the emissions calculations, with information disaggregated for each operation.		
The underlying assumptions and input data used to develop the emissions estimates should be clearly documented for all relevant GHG sources, in particular: Additional detail is required to explain how the activity data presented in Appendix B was sourced and compiled.	Additional explanatory notes have been included in Appendix B of the updated Greenhouse Gas Assessment. These provide clarification on how the activity data has been sourced and compiled, with cross-references to the relevant inputs, assumptions and calculations presented elsewhere in the report.	Revised Greenhouse Gas Assessment at Appendix ZI
No supporting documentation has been provided for the activity data, including the emissions information reported for the applicant and tenant(s).	Additional detail on inputs, assumptions and calculation parameters has been included in the updated Greenhouse Gas Assessment. This provides greater transparency on the activity data adopted, including emissions estimates for the applicant and tenant operations.	Revised Greenhouse Gas Assessment at Appendix ZI
Scope 3 emissions associated with the applicant's organisational operations, as well as emissions from decommissioning, closure, post-closure, and maintenance/repair/replacement activities, have not been included within the GHG assessment boundary. Similarly, the GHG assessment identifies water treatment and distribution for use as a relevant Scope 3 emissions category however no associated emissions have been quantified in the Scope 3 estimates. To ensure the GHG assessment provides representation of the project's entire emissions profile, the applicant should supply appropriate justification for excluding these	Additional justification has been provided in Section 3.1.1 of the updated Greenhouse Gas Assessment for the exclusion of these emissions sources on the basis of low materiality. Indicative estimates have also been included in Appendix C to support this conclusion. Indirect emissions from water use have not been included as these are negligible, noting the project adopts an air-based mechanical heat rejection system and does not require water for operation.	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
activities. Alternatively, the assessment should include indicative estimates or calculations to demonstrate the potential magnitude and relevance of emissions from these sources, confirming whether their exclusion is appropriate based on materiality.		
The basis for the diesel consumption values presented in Table 4 is unclear. The applicant should provide further information demonstrating how diesel use for the proposed generator testing regime was calculated (e.g., testing frequency, generator specifications, operating assumptions). This clarification is necessary to confirm that the estimated Scope 1 emissions accurately reflect expected diesel consumption. It should also be clarified whether emissions from actual emergency operations, in addition to routine testing, have been considered.	Additional detail has been provided in Section 3.2.1 of the updated Greenhouse Gas Assessment to explain the diesel consumption estimates, including the revised testing regime and associated assumptions. This section also clarifies how generator operation has been accounted for in the emissions calculations.	Revised Greenhouse Gas Assessment at Appendix ZI
The EPA notes that the calculations of Scope 1 and Scope 3 emissions do not reference the most up-to-date emissions factors published in the National Greenhouse Accounts Factors: 2025 by DCCEEW.	The Greenhouse Gas Assessment has been updated to adopt the 2025 National Greenhouse Accounts factors published by DCCEEW.	Revised Greenhouse Gas Assessment at Appendix ZI
Further explanation is required to understand how the reported GHG emissions were derived once the proposed mitigation measures were applied.	Additional explanation has been included in the updated Greenhouse Gas Assessment to clarify how emissions have been calculated under the 'Design Measures' and 'All Measures' scenarios.	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
The EPA notes the GHG assessment disclaimer stating that <i>“all quantified data presented in this report are estimates only for the preliminary design and provided for information only. No guarantee or warranty can be placed on the data presented.”</i> In response to this disclaimer, the EPA expects the applicant to prepare a report that can be relied upon, is consistent with the Large Emitters Guide requirements and presents the best available GHG estimates for the project. To be consistent with the Large Emitters Guide, the GHG assessment is to be well documented, clearly outlining the information sources, data inputs, assumptions, methodologies, and findings that inform the emissions estimates. The applicant’s assessment is also required to include the project’s expected emissions profile, the emissions-reduction measures considered, the emissions-reduction goals, and the proposed monitoring approach. This ensures that the GHG assessment remains sufficiently detailed, transparent, and defensible, despite the preliminary nature of the data.	Noted. The disclaimer has been removed from the updated Greenhouse Gas Assessment.	Revised Greenhouse Gas Assessment at Appendix ZI
The EPA recommends DHPI request that the applicant revises the GHG assessment to include and justify all input data and assumptions used to estimate Scope 1, Scope 2, and Scope 3 emissions, and to clearly demonstrate how these inputs reflect	Additional detail on inputs, assumptions and calculation parameters has been included in the updated Greenhouse Gas Assessment to improve clarity and transparency. This includes information to support the number of generators, fuel consumption rates and the revised testing regime.	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
the number of generators, fuel consumption rates, and the proposed testing regime over the project's life.	Further detail has also been provided in Section 3.2.1 to support the diesel consumption estimates. It is considered that sufficient information is now included to enable replication of the emissions calculations.	
<u>2. Scope 2 electricity emissions</u> If approved, the proposal will trigger EPL requirements under 'chemical storage' in accordance with Schedule 1 of the <i>Protection of the Environment Operations (POEO) Act</i>.	Noted. An EPL will be applied for as part of this project, pursuant to Schedule 1 of the POEO Act.	N/A
The applicant states in the assessment that: <i>"Electricity consumption and associated GHG emissions by tenant IT equipment within the data halls will be the responsibility of the tenant and outside the control of the proponent."</i> This position is reiterated in Appendix C by the independent expert reviewer, who notes that the GHG assessment assigns Scope 2 emissions from tenant IT equipment electricity use to the tenant rather than the applicant. It is important to clarify that the EPA's current position is that, for licensing and assessment purposes, indirect GHG emissions from electricity use within a licensed premises (whether by the operator or by lessees) are considered Scope 2 emissions attributable to the licensee. This is consistent with the NSW EPA's regulatory approach whereby the EPA regulates all activities and operations within the premises. The licensee is responsible for managing emissions	Noted. The Greenhouse Gas Assessment has been updated to reflect emissions associated with tenant IT equipment within the site. This includes consideration of the proponent's hyperscale customers' commitments to procure 100% renewable electricity for IT loads, which has been incorporated into the assessment.	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
and potential environmental impacts due to activities undertaken within a licensed premises.		
Currently, it is the EPA's position that the applicant: - can influence the final project design to avoid, reduce and substitute emissions as far as is feasible and practicable. - will have the power to purchase electricity that is backed by renewable sources for all operations within the premises.	Noted. Best endeavours are being taken to reduce the emissions of the development as far as feasible and practicable. Note also the above comment on IT loads. The indirect emissions from electricity have been updated in the Greenhouse Gas Assessment report considering the following mitigation measures: - The commitments from the proponent's Hyperscale customers to procure 100% renewable electricity for all IT loads, and - The proponent's commitment to procure 100% renewable electricity for all non-IT operational loads.	Revised Greenhouse Gas Assessment at Appendix ZI
The EPA recommends DHPI request that the applicant be made aware that for licensing and assessment purposes, the EPA considers that indirect GHG emissions due to electricity use (by the operator and lessees) within a licensed premises are Scope 2 emissions. This does not preclude the applicant from following relevant guidelines or fulfilling their obligations under other regulatory frameworks.	Noted.	N/A
<u>3. Commitment to 100% renewable electricity</u>	Additional clarification notes have been added to the updated Greenhouse Gas Assessment to explain why the benchmark	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
The GHG assessment mentioned the applicant's broader corporate objective of achieving net-zero Scope 1 and 2 emissions by 2050. The EPA notes the percentage differences between the project's emissions and the benchmark emissions scenario throughout the GHG assessment. These differences should be explained in greater detail to clarify how these conclusions were reached.	case is worse than the proposed design, with cross-reference back to Section 3.1.2 of the GHG Assessment that describes the benchmark scenario and other sections (e.g., Section 3.2) as appropriate that define benchmark scenario assumptions.	
The independent review commented that the GHG assessment followed the mitigation hierarchy in the Large Emitters Guide by considering avoidance and reduction measures first, followed by substitution and offsetting. The reviewer also commented that reasonable evaluation of avoidance and reduction opportunities have been explored and that substitution mechanisms involve sourcing 100% renewable electricity for all non-IT operations and investigating alternatives for diesel fuel.	Noted.	N/A
The applicant considers that the operational control for electricity consumption (and therefore the GHG liability) resides with the tenant. As stated above, EPA's current position is that for licensing and assessment purposes, indirect GHG emissions from electricity use within a licensed premises (whether by the operator or by lessees) are considered Scope 2 emissions attributable to the licensee. Therefore, the GHG assessment should confirm the applicant's commitment to procuring electricity backed by 100% renewable sources for the duration of the project.	The indirect emissions from electricity have been updated in the Greenhouse Gas Assessment report considering the following mitigation measures: ▪ The commitments from the proponent's Hyperscale customers to procure 100% renewable electricity for all IT loads, and ▪ The proponent's commitment to procure 100% renewable electricity for all non-IT operational loads.	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
The EPA recommends DHPI request that the applicant revise the GHG assessment to meet the requirements of the Large Emitters Guide, including: Detailed justification for the percentage differences identified between the project's emissions and the benchmark scenario presented throughout the GHG assessment.	Further clarification notes have been added as part of the updated Greenhouse Gas Assessment regarding the benchmark case and difference to the proposed design results, as detailed elsewhere in this response.	Revised Greenhouse Gas Assessment at Appendix ZI
Confirmation of the applicant's commitment to procure electricity backed by 100% renewable sources for the duration of the project by providing details of their commitment and evaluating power purchase agreements (PPAs) or large generation certificates (LGCs), if applicable.	The indirect emissions from electricity have been updated in the Greenhouse Gas Assessment report considering the following mitigation measures: - The commitments from the proponent's Hyperscale customers to procure 100% renewable electricity for all IT loads, and - The proponent's commitment to procure 100% renewable electricity for all non-IT operational loads.	Revised Greenhouse Gas Assessment at Appendix ZI
<u>4. Revised GHG assessment in accordance with the NSW Guide for Large Emitters</u> As outlined above, the GHG assessment does not provided sufficient information and is not consistent with the Large Emitters Guide. The EPA recommends that DPHI requests from the applicant a revised GHG assessment that satisfies the Large Emitters Guide's	The Greenhouse Gas Assessment has been updated to align with the NSW Guide for Large Emitters. Additional detail has been included in the Executive Summary and Conclusion to address the requirements of the Guide. A legislative and policy context section has also been incorporated at Section 2.	Revised Greenhouse Gas Assessment at Appendix ZI

Comment	Response	Supporting Documentation
requirements. The revised GHG assessment report should address the matters outlined in its Appendix C and include: ▪ Executive summary and conclusion sections consistent with the structure described in Appendix C ▪ A legislative and policy context section ▪ Consider including a figure to illustrate the Scope 1, Scope 2, and Scope 3 emissions sources within the boundary.		
Sydney Water		
Water Servicing		
▪ The proposed development is within Erskine Park Elevated Water Supply Zone (WSZ). An existing 300mm drinking water main in Lenore Drive is fronting the development. ▪ The existing drinking water system has limited capacity to serve the proposed development and may require network upgrades. ▪ Planning options need to be developed to confirm the servicing pathways, required to service the data centre. The applicant will be required to enter into a Planning Agreement with Sydney Water to recover costs incurred by Sydney Water to develop and/or review planning options to service the site. ▪ The applicant is advised to continue to engage with Sydney Water (through their account manager under CN227979 in	Sydney Water's comments are noted and ongoing engagement is acknowledged. Since preparation of the original servicing strategy, the project has been updated to adopt water-efficient design measures, including the use of air-cooled chillers and a waterless cooling approach. As a result, operational water demand for the data centre has been substantially reduced compared to conventional water-cooled systems. Notwithstanding the reduced demand, the applicant will continue to work collaboratively with Sydney Water (under CN227979) to confirm an appropriate servicing strategy for the site. This will include participation in the development of planning options and, if required, entering into a Planning Agreement to support Sydney Water's servicing investigations.	N/A

Comment	Response	Supporting Documentation
understanding and progressing appropriate next steps to investigate viability of servicing solutions collaboratively. This would be linked to the broader data centres servicing initiative. The applicant is advised to provide up to date demand projections, including max hour / max day / average day demands and how these vary as the development progresses (ideally with a yearly forecast) to inform planning options work to support servicing of this site. This is listed within the DA information sheet (to be passed on to the proponent).		
Wastewater Servicing		
- The proposed data centre is to be located within the St Mary's wastewater catchment, with a preferred discharge location to the DN225 PP sewer located in the southeast corner of the development site. - The preferred connection point discharges towards the DN525 GRP section of the East St Clair Carrier. The sewer currently has sufficient dry and wet weather capacity. - The St Mary's WRRF has limited capacity to accommodate data centre blowdown wastewaters. Wastewater quality data is required as part of the approvals process, to understand the impact on an inland WRRF.	Sydney Water's wastewater servicing comments are noted. The site can connect to the DN225 PP sewer in the south-east corner, discharging to the East St Clair Carrier, which has available capacity. The project has adopted air-cooled, waterless cooling. As a result, no cooling tower blowdown or process wastewater will be generated, with wastewater limited to domestic sewage only. The applicant will continue to engage with Sydney Water (CN227979) to confirm servicing arrangements and contribute to broader planning for the Horsley Park data centre cluster, including entering into a Planning Agreement if required.	N/A

Comment	Response	Supporting Documentation
- Trade waste agreement would be needed to discharge blowdown waters into Sydney Water sewer system. - Due to increased data centres within this area, this development needs to be considered as part of the Horsley Park Data Centre cluster. Planning options need to be developed to confirm the servicing pathways, required to service the data centre. The applicant will be required to enter into a Planning Agreement with Sydney Water to recover costs incurred by Sydney Water to develop and/or review planning options to service the site. - All internal reticulations and lead-in sewers must be designed according to the WSA code and designs must be approved by Sydney Water before construction.		
Department of Climate Change, Energy, the Environment and Water – Heritage NSW		
Heritage NSW agrees with the recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) based on the existing archaeological investigations and ground disturbance across the project area. However, clarification is required on the consultation undertaken with the Registered Aboriginal Parties. It is recommended that the Department seek clarification on following: Please clarify if Ginninderra Aboriginal Corporation were registered as a RAP, as per the consultation log in Appendix C of the ACHAR	Ginninderra Aboriginal Corporation was inadvertently omitted from the final RAP list due to an administrative error following Stage 1 consultation. This has since been rectified, with Ginninderra contacted in February 2026 and provided with the Stage 2 and 3 consultation materials and the ACHAR. Ginninderra responded on 25 February 2026 and did not raise any comments or cultural concerns. Wurrumay Culture Heritage Consultants were incorrectly included in the consultation register. They did not register as a	N/A

Comment	Response	Supporting Documentation
- Please clarify when Wurrumay Culture Heritage Consultants were registered as their details are missing from Appendix C - Please clarify the number of RAPs, noting the above, and as there are 22 emails sent at each project stage but only 21 listed RAPs.	RAP for the project and have subsequently been removed from the RAP list. It is confirmed that a total of 21 RAPs were registered for the project. The discrepancy in email correspondence reflects the inclusion of Ginninderra in consultation communications following identification of the administrative error.	
Nepean Blue Mountains Local Health District		
Traffic, Transport and Accessibility		
<u>Issue / content from the document</u> Public transport access to the site is inadequately assessed in the TIA and GTP. This is an equity issue for young people and residents in Western Sydney who do not have access to a vehicle or Driver Licence and will negatively impact social and employment outcomes reported in the Social Impact Assessment (Appendix P). The TIA and CTMP do not adequately assess public transport access during the three-year construction phase hours (7am-6pm Mon-Fri, 8am-1pm Saturday). In the Operational phase, the TIA does not adequately assess for the 12-hour shifts (7am-7pm, and 7pm-7am) outlined in the Environmental Impact Statement (EIS). The report only considers bus access between 5am-7am and 3pm-5pm and does not	Public transport access has been considered in the TIA and GTP, including identification of existing bus services along Lenore Drive and pedestrian connections to nearby stops. The site is located within walking distance of existing bus stops, with signalised crossing infrastructure facilitating access. The provision, frequency and timing of bus services are matters for TfNSW and service operators and are typically responsive to demand over time as the Erskine Park industrial precinct continues to develop. Notwithstanding this, the applicant acknowledges that public and active transport accessibility can be further strengthened. The project team will continue to engage with TfNSW, Council and relevant operators regarding service coverage and potential future improvements.	N/A

Comment	Response	Supporting Documentation
consider weekend/public holiday bus access (page 16), despite the data centre being operational 365 days per year. Currently the last 779 bus service departs near the site at 7.15pm on weekdays. On weekday mornings, 779 bus services do not run for two hours between 6.40am and 8.40am to service school runs. On weekends, bus services run hourly between 7.30am and 7.30pm, therefore staff would be unable to get to the site by 7am. The closest bus stop is over 800m away and there is no footpath along Lenore Dr to the bus stop, and no actual bus stop shelter or seating, just a faded sign on a post. Active travel (cycling and walking) and public transport access to the site has not been assessed outside of daylight hours. Considering the start/finish times for staff, in evenings (7pm), there will need to be safe routes for green travel after dark, to give credence to the targets in the GTP. The CTMP does not address safe walking or cycling access to the site, despite up to 18 people being likely to catch public transport during peak construction (Page 23). <u>Recommendations</u> The proponent addresses bus services, frequency and bus stop locations with Transport for NSW, Penrith City Council and Busways. The proponent includes in a voluntary planning agreement, the installation of a new bus stop shelter, seating and footpath	During both construction and operation, the site will incorporate measures to support safe access for all users. This includes: • provision of on-site bicycle parking and end-of-trip facilities • implementation of appropriate lighting to support safe access during early morning and evening periods • management of internal circulation to separate pedestrian, cyclist and vehicle movements where practicable Construction workforce travel will be managed through the CTMP, which includes measures to coordinate arrivals, encourage carpooling and manage peak demand. Given the nature of the workforce and shift patterns, a high proportion of staff are anticipated to travel by private vehicle, consistent with similar industrial developments. The applicant also acknowledges the opportunity for future upgrades to local pedestrian and bus stop infrastructure along Lenore Drive. These matters will continue to be explored in consultation with Council and TfNSW, noting that delivery of such infrastructure typically sits with the relevant road authority.	

Comment	Response	Supporting Documentation
access along Lenore Dr, with early delivery for access by construction workers. The proponent addresses safe walking and cycling access to the construction site for personnel. Pedestrian/cycle access into and within the site is separated from vehicular access routes during both construction and operational phases.		
Potable Water		
<u>Issue / content from the document</u> The EIS states that potable water from Sydney Water will be used for the cooling water systems onsite. <u>Recommendation</u> It is recommended that strategies are in place, if they are not already, to ensure that the demands of the proposed development will not impact the supply of drinking water to the local community.	The project design has been revised to adopt an air-cooled, waterless heat rejection system. As a result, potable water will no longer be required for cooling or evaporation within mechanical services. Water demand for the development will therefore be limited to typical domestic uses only, substantially reducing overall consumption and avoiding any material impact on local drinking water supply.	N/A
Legionella Risk		
<u>Issue / content from the document</u> The large number of cooling water systems required for the proposed development may increase the risk of Legionnaires' Disease. <u>Recommendation</u>	The mechanical design has been revised to an air-cooled, waterless heat rejection system and does not include cooling towers or other evaporative cooling infrastructure. As a result, there are no cooling water systems on site and the potential risk of Legionella growth is effectively eliminated.	N/A

Comment	Response	Supporting Documentation
It is recommended that strategies are in place to monitor, test and maintain the cooling water systems onsite to reduce <i>Legionella</i> growth within the system.		
Public Submissions		
Issue: Noise pollution resulting from the data centre operation, particularly during night-time hours, associated with both the construction and operation of the facility.	Construction and operational noise impacts have been comprehensively assessed in the Noise and Vibration Impact Assessment. Standard construction noise mitigation measures will be implemented in accordance with relevant NSW guidelines to minimise impacts during works. For operation, the facility has been designed to achieve the project noise trigger levels at all surrounding receivers, including during night-time periods. This has informed plant selection, building layout and acoustic treatments. Updated modelling confirms compliance with the applicable criteria, and no adverse noise impacts are predicted.	Revised Noise and Vibration Impact Assessment at Appendix M
Issue: The project will place excessive demands on the electricity grid.	The project will connect to the existing electricity network in consultation with the relevant network providers. The facility represents a predictable and stable load, which can be planned for within the broader network. Upgrades and connections required to service the development are being delivered in coordination with TransGrid and other authorities. The project does not compromise the reliability of the broader electricity network.	Revised Infrastructure Requirements and Utility Report at Appendix N

Comment	Response	Supporting Documentation
Issue: The project will place excessive demands on water supply.	The amended proposal adopts a waterless, air-cooled mechanical system, removing the need for significant operational water demand associated with traditional cooling systems. Water use is therefore limited to ancillary uses, with demand managed in consultation with Sydney Water. This approach substantially reduces reliance on potable water and avoids pressure on local water infrastructure.	Revised Infrastructure Requirements and Utility Report at Appendix N
Issue: The development will result in adverse visual impacts.	The visual impact of the development has been assessed in the Visual Impact Assessment. The built form has been designed having regard to the industrial context of the Erskine Business Park, where larger building forms are characteristic. Setbacks, landscaping, retention of the Lenore Drive berm and additional planting have been incorporated to soften views and reduce perceived bulk. The assessment confirms that the proposal achieves an acceptable visual outcome within its context.	Revised Visual Impact Assessment at Appendix ZH
Issue: The project will result in adverse air emissions impacts.	Air quality impacts have been assessed in the Air Quality Impact Assessment. Emissions associated with the facility are limited, with backup generators operating only intermittently for testing and emergency use. Dispersion modelling demonstrates that emissions comply with relevant air quality criteria, and no adverse impacts on surrounding sensitive receivers are predicted.	Revised Air Quality Impact Assessment at Appendix L

Comment	Response	Supporting Documentation
Issue: Risks associated with hazardous goods storage.	Hazardous materials associated with the development, including diesel fuel for backup generators, have been assessed in accordance with relevant NSW hazard and risk guidelines. The assessment confirms that risks are within acceptable levels, with appropriate design, storage and management measures implemented. The development does not pose an unacceptable risk to surrounding land uses.	Revised Hazards and Risk Screening Report at Appendix ZF Revised Dangerous Goods Report at Appendix ZG
Issue: The data centre site is too close to an existing residential area and may result in adverse amenity and environmental impacts.	The site is located within an established industrial precinct and is separated from residential areas by distance, existing development and landscape features including the Ropes Creek corridor. Comprehensive technical assessments confirm that the development will operate within relevant environmental criteria for noise, air quality and visual impact. On this basis, no adverse amenity impacts on nearby residential areas are anticipated.	Throughout the original EIS and the Amendment Report