

Our ref: Mamre Road Data Centre Campus (SSD-92743706)

Mr Adam Pavlovic
Project Manager
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HURSTVILLE NSW 2220

30 September 2025

Subject: Planning Secretary's Environmental Assessment Requirements

Dear Mr Pavlovic

Please find attached a copy of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany the State significant development application (DA) for the proposed Mamre Road Data Centre Campus (SSD-92743706).

The SEARs have been prepared in consultation with relevant public authorities (see **Attachment 2**) and are based on the information you have provided. Please note, at the time of writing the Department of Planning, Housing and Infrastructure (the Department) is still awaiting advice from Endeavour Energy. Any advice received will be forwarded to you separately and considered to form part of the SEARs.

Where relevant, the Planning Secretary may modify the SEARs to ensure the environmental assessment of the project covers all relevant matters and is consistent with contemporary assessment practice.

Your SEARs will expire two years from the date of issue (or the date they were last modified) unless the Planning Secretary has granted an extension. If you would like to seek an extension, you should contact the Department at least three months prior to the expiry date.

If your application is not submitted within two years (or by the agreed extension date), you will need to make a new application for SEARs to progress your project.

Project Scale and Site Suitability

Please note the Department acknowledges and shares the concerns raised by both Penrith City Council and the Environment Protection Authority (EPA) regarding the suitability of the site for a data centre of this scale, particularly given its proximity to the large-scale education and aged care precinct located directly to the north along Bakers Lane. The Department considers the potential for significant air quality, noise and cumulative amenity impacts on these sensitive receivers is a critical issue that must be addressed at the outset. In this context, the Department expects you to undertake comprehensive

and robust technical assessments, and make modifications to the project scale and design, to demonstrate that the project can meet the relevant EPA guidelines and will not unreasonably impact the surrounding community. This process should also be supported by early and meaningful engagement with these stakeholders to help establish a social licence for the project.

In addition, you must carefully consider whether the proposed bulk and scale of the development is appropriate in the context of the Mamre Road Precinct, including its intended design character. The Department notes that the *Mamre Road Precinct Development Control Plan* (the DCP) imposes a maximum height of 20 metres from existing ground level and that the site is located at the intersection of several key view corridors. Accordingly, you should give strong consideration to reducing the project's height and incorporating stepped site levels to both align with the DCP and better respond to the natural landscape and the scale of the adjoining educational and aged care precinct to the north. Your EIS must also clearly justify the site selection and demonstrate how the project addresses these concerns, including all feasible and reasonable measures to mitigate cumulative impacts within the broader Mamre Road Precinct.

Finally, the Department notes the access arrangements discussed in the Scoping Report are inconsistent with the intent of the interim access scheme proposed under SSD-30628110, which sought to maintain access to educational and aged care precinct while facilitating the coordinated development of both the Land Owners Group East (LOG-E) sub-precinct and the subject site. In addition, the Department notes it is unclear whether the Mirvac intersection to the south of the site can accommodate all construction and operational traffic associated with the data centre proposal. Accordingly, the EIS must clearly demonstrate how the proposal will support the orderly development of land within the broader precinct, including via the sequencing and delivery of key road infrastructure.

Preparing your EIS

Your EIS must be prepared having regard to the Department's *State Significant Development Guidelines* including the *Preparing an Environmental Impact Statement guideline*. All relevant guides for State significant projects that are referenced in the SEARs are available at www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework.

During the preparation of your EIS, you are required to consult with various parties, including the Department and any relevant agencies, in accordance with the *Undertaking Engagement Guidelines for State Significant Projects*. For more information, please visit the Prepare EIS page on the NSW planning portal. Agency contact details can be found at <https://www.planningportal.nsw.gov.au/major-projects/assessment/guide-agency-directory>.

You will need a Registered Environmental Assessment Practitioner (REAP) to declare that your EIS meets certain standards in relation to its completeness, accuracy, quality and clarity before it is submitted to the Department, as per Division 5 of Part 8 of the Environmental Planning and Assessment

Regulation 2021 (EP&A Regulation). A pro forma declaration can be found in Appendix B of the [Preparing an Environmental Impact Statement guideline](#). For more information on the REAP Scheme, please see the REAP Guidelines and the frequently asked questions on the [Department's website](#).

Lodging your Development Application (DA)

Once you submit your DA and accompanying EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the EP&A Regulation. **The EIS must include a comprehensive description and assessment of the likely impact of all stages, infrastructure and activities that form part of the development, as required under section 192 of the Regulation.**

To minimise delays, **please contact the Department at least two weeks before you submit your EIS** to confirm the DA fee payment arrangements. Please note that **your DA is not taken to be lodged until the DA fee has been paid.**

Information Needed to Determine the DA Fee

Your DA will need to be accompanied by an Estimated Development Cost (EDC) Report prepared in accordance with the relevant planning circular using the Standard Form of EDC Report. Once you submit your EDC Report, we will check it for completeness against the requirements of the EP&A Regulation and the relevant Planning Circular.

If your project involves marinas, extractive industries or any subdivision of land, you must also ensure that your EDC Report includes a breakdown of estimated costs for any other component of your project.

Public Exhibition Requirements

When you contact us regarding the DA fee arrangements, we will also confirm the consultation and public exhibition arrangements.

Community Consultation

The Department wishes to emphasise the importance of effective and genuine community consultation. A comprehensive open and transparent community consultation engagement process must be undertaken during the preparation of the EIS. This process must ensure that the local community, including the nearby schools, childcare centre and aged care facility, are provided with a good understanding of what is proposed (including a description of any potential impacts) and they are actively engaged in issues of concern to them.

Please note, your EIS must include clear evidence that this consultation has been undertaken, detailed justification for the consultation method(s) used and a comprehensive list of proposed, ongoing consultation method(s) which would be implemented post-lodgement.

Matters of National Environmental Significance

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation.

It is your responsibility to contact the Australian Government Department of Climate Change, Energy, the Environment and Water to determine if an approval under the EPBC Act is required (<https://www.dcceew.gov.au/> or (02) 6274 1111).

Should any referral to the Australian Government result in the development being considered a controlled action under the EPBC Act, please contact the Department for any additional requirements.

If you have any questions, please contact Patrick Copas on (02) 9274 6273 or via email at patrick.copas@planning.nsw.gov.au.

Yours sincerely



Joanna Bakopanos

Acting Director

Industry Assessments

as delegate for the Planning Secretary

Attachment 1: SEARs table

Attachment 2: Agency advice