



Proposed Gas Power Generator Plant (SQE2) & BESS Compound

30 Douglas Road, Moss Vale

STATEMENT OF ENVIRONMENTAL EFFECTS

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NAKAR PROPERTY

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PROPOSED GAS POWER GENERATOR PLANT & BESS COMPOUND
30 DOUGLAS RD MOSS VALE STATEMENT OF ENVIRONMENTAL EFFECTS

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1. INTRODUCTION

Square Energy has been commissioned by Nakar Property Pty Ltd (Applicant) to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a proposed gas-powered electricity generation plant to provide onsite power to the Southern Highlands Data Centre and a Battery Energy Storage System (BESS) to store and utilise excess energy generated from the proposed generator hall at 30 Douglas Road, Moss Vale.

This SEE has been prepared in compliance with clause 24 at Part 3 of the *Environmental Planning and Assessment Regulation 2021* and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable and discusses the environmental impacts of the proposed development / mitigation measures.
- **Section 5** provides a conclusion to the SEE.

This SEE should be read in conjunction with the plans and reports also accompanying the DA and listed in **Table 1** below.

Table 1 – Plans & Reports

Plans: Architectural	
Consultant	Drawing Ref:
Plus Architecture	DA000, DA001, DA010, DA020, DA100, DA101, DA110, DA200, DA201, DA300, DA301, DA302, DA310 dated 15.08.25
Plans: Concept Drainage Plans & Site Earthworks	
Consultant	Drawing Ref:
Lucas Consulting Engineers (LCE)	5182-CIV-DA-SQE2, Sheets 1 to 17 all Revision A dated 12/12/24
Report: Drainage Concept Report & MUSIC Model Assessment	
Consultant	Report Ref:
Lucas Consulting Engineers (LCE)	Revision A, dated 30/7/25
Plans: BESS - Typical Plant & Equipment	
Consultant	Drawing Ref:
Square Energy	SQE_SKTCH_808, dated 19/08/25
Report: Environmental Noise Impact Assessment	
Consultant	Report Ref:
Day Design Pty Ltd	7303-7.1R Rev. A, dated 19 August 2025
Report: Air Quality Assessment	
Consultant	Report Ref:
Torodoski Air Sciences	Final-001, dated 18 August 2025
Report: DA Cost Estimate	
Consultant	Report Ref:
Hanna Newman Associates Pty Ltd	38/2025 dated 19/08/2025

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Report: Embodied Emissions Materials Form	
Consultant	Report Ref:
Hanna Newman Associates Pty Ltd	Dated 20/08/2025
Report: Building Sustainability Statement	
Consultant	Report Ref:
Square Energy Pty Ltd	Dated 12 August 2025
Statement of Availability	
Statutory Authority	Report Ref:
Jemena Ltd	Dated 31/05/2023

2. THE SITE & ITS LOCALITY

2.1 The Site

The location of the site of the proposed development Lot 40 in DP 1288692 at Douglas Road, Moss Vale. As the crow flies, it is approximately 4km north-east of the Moss Vale Town Centre. It is located on the northern side of Douglas Road, with Carribee Road forming part of its western boundary.

It is an irregular shape with a total area of 67ha.



Figure 1: Site Location (Source: SIX Maps NSW)

Further site particulars relevant to this proposal are set out in **Table 2** below:

Improvements	A sealed industrial standard private road extends approximately 1km centrally through the site in a north and east direction from the property's Douglas Road frontage, terminating in a cul-de-sac. Drainage works and utilities have also been constructed. The Southern Highlands Data Centre is located in the northern portion of the site.
Access	Vehicle Access to the site is provided from the aforementioned private access road, connecting with Douglas Road.
Vegetation	The Site has no vegetation present other than a row of mature trees along its northern boundary and offering a landscape 'screen' to the adjoining property to the north. The area of the Site affected by the proposed development contains no significant vegetation.
Topography	The area of the Site affected by the proposed development is undulating and generally slopes from the existing private road to the southeast of the site area (SQE2) and south (BESS Compound).
Watercourses	An unnamed intermittent water course runs from West to East beyond the southern extent of the site area. This water course does not contain a defined bed and bank and dams that were previously located along this water course have been filled as part of previous site works.
Heritage	The site is unaffected by any Heritage Items.
Bushfire	The site does not contain any identified <i>bushfire prone land</i> .

Table 2 – Site Particulars



Figure 2: Aerial View of the Site, with the approximate location of the proposed development identified by red stars.

2.2 Development Consent History

A subdivision application DA16/720 was approved on 17th of December 2016 for the subdivision of the Subject Property into 11 allotments including the construction and dedication of a road providing vehicular access. Civil works, including construction of the aforementioned internal access road, have been completed.

On 25 February 2021, conditional development consent was granted to DA 21/1042 to the construction of a data storage centre on Lot 5 of the approved subdivision. Following the granting of development consent the Applicant reconsidered its long-term strategy for the land and no longer wished to proceed with registration of the approved subdivision, meaning that the constructed internal access road will be a private access road servicing future development of the Subject Site as a whole rather than 11 separate lots. The development consent for DA 21/1042 has subsequently been modified twice. As mentioned above, the Data Centre (DB1) has been constructed.

On 19 April 2024, development consent was granted to DA 24/0055 for the construction and operation of a Gas Power Generator Plant facility at the Subject Site, consisting of 9 gas generators sets (7 continuous power with 2 standby generators for maintenance and service purposes) each with a capacity of 2 megawatts (MW) for a total site output of 14MW.

On 14 April 2025, a development application 25/2158 was submitted for the construction and operation of a data storage centre (DB2) at the Subject Site, consisting of three levels and on grade plant and equipment.

2.3 The Locality

Adjoining the Site to the north are large rural holdings, zoned C3 Environmental Management and used for extensive agricultural purposes.

Adjoining the Site to the east is a large, IN1 General Industrial land holding, zoned and used for extensive agricultural purposes (Lot 1 & 2 in DP 1100533, Douglas Road). This site is the subject of a proposed industrial subdivision. A sewer pumping station, accessed from Red Fields Road, is also located adjacent to the eastern boundary of the Site (located on Lot 41 DP 1189246).

Adjoining the Site to the west are 50, 52 & 54 Carribee Road comprising three (3) properties ranging in area (approximate) from 2.3ha to 2.6ha, zoned IN1 General Industrial and used for rural residential purposes. Further to the west is Shore Hire (33 Carribee Road).

Adjoining the Site to the south at 1 Douglas Road is Cromford Pipe Holdings, manufacturers of polyethylene pipes. Also adjacent on Douglas Road is the Berrima Junction Zone Sub-Station. There is a recently approved and constructed industrial subdivision off Red Fields Road, a small circuit road off Douglas Road to the south-east, with new buildings recently completed / under construction.

Further afield to the south-east is the Omya Australia Calcium Carbonate Plant (located at 2 Lackey Road).

The Site is part of the Moss Vale Enterprise Corridor, which is the major area of industrial zoned land in the Wingecarribee LGA and located to the northwest of Moss Vale town centre. It comprises around 1,100 ha of industrial zoned land, most of it IN1 General Industry zoned land, that is developing as a contemporary mixed use industrial precinct extending along Douglas Road, Collins Road and Lackey Road.

3. THE DEVELOPMENT

3.1 Development Description

Consent is sought to construct and operate a Gas Power Generator Plant facility. The purpose of the facility is to generate electrical power to supply the Southern Highlands Data Centre.

This portion of the development consists of the installation and operation of 7 gas generators sets (5 continuous power with 2 standby generators for maintenance and service purposes) each with a capacity of 3.3 megawatts (MW) for a total site output of 16MW. The installation of the generator sets will be staged in accordance with power supply demand from the Southern Highlands Data Centre.

Gas supply to the generators will be provided by extending the existing high pressure gas pipe network located in Douglas Road to the Site's Douglas Road boundary, then connecting a private line through the Site to the Engine Hall building. Electricity output from the facility will be provided to the Southern Highlands Data Centre by cabling reticulation within the Site.

Initially, natural gas will be provided from the Jemena gas network to power the generators. Please refer to Jemena's letter dated 31/05/23 which accompanies this development application. Ultimately, the development may be utilising renewable gas supplies being offered by Jemena gas networks. Both Bio-methane and Green Hydrogen will be supplied from Jemena hubs in Western Sydney.

The generators will be housed within an 'Engine Hall' building located on the end of the Site's private access road, directly to the east of cul-de-sac.

In addition, consent is also sought to construct a Battery Energy Storage System (BESS). The purpose of the BESS is to store any excess energy created by the Generator Hall to store for future demand.

This portion of the development consists of the installation of 40 containerised battery units and associated equipment, with a capacity of 2 megawatts (MW) each. The installation of the BESS will be staged in accordance with power supply demand from the Southern Highlands Data Centre.

Power supply to the battery units shall be provided by reticulating cables from the Power Generator Hall to the BESS compound to capture any excess energy. Electricity output from the BESS will be provided to buildings during peak demand via reticulated cables within the Site.

The overall scope of the proposed development is as follows:

Site Works

The site works essentially involve a benching (cut and fill) exercise to create (i) two level pads on which the development components described below will be located. Cut and fill depths range between 2m and 4m.

Development Components

The development components comprise of the following:

- Main Generator Hall building measuring 54.13m in length, 21.28m in width, 8m in height (to ridge line) and having a GFA of 1152m². The Generator Hall building will house 7 gas generator engine sets. The preferred generator set is the Jenbacher JGS 620 GS-N.L however other options include the Cummins HSK78G or Penske-RR MTU 20V4000GS. The engine enclosures and generator air intakes will be housed within the building. Fresh air ventilation by supply fans located within the

south façade of the Engine Hall building. The north and south facades of the building will have louvres located at low level for additional ventilation. Steel roller door assemblies on the east facade of the building to facilitate equipment movement to the external driveway, with egress doors positioned on the southern façade and electrical switchroom access to the eastern and western facades. An accessible bathroom, inclusive of a set of a changeroom will be located to western façade of the building. Roof and wall material comprises Lysaght Kliplok high strength steel or similar product. As mentioned above, installation of the generator sets will be staged in accordance with power supply demand from the Southern Highlands Data Centre.

- A gravel / pervious material pad to the north of the generator building on which the external generator exhaust ducts, external radiator units for the 7 generator units and additional ancillary equipment including lube oil tanks, earthing transformers, gas supply regulators to support the operation of the generator hall will be located.
- 8m wide external service road circulation system designed to accommodate the largest vehicle servicing the facility, which is a 19m Prime mover and semi-trailer used to transport the gas generators. Separate 8m wide entry and exit driveways from the extended private access road are also provided.
- Battery Energy Storage (BESS) Compound comprises a level platform, with a series of concrete pads on ground to land the containerised battery storage modules and supporting electrical equipment including transformers and reticulated cabling to and from the generator hall and Southern Highlands Data Centre.
- Integrated security systems designed around the campus security approach that the generator hall and BESS Compound is located within. Security includes lighting & CCTV, intruder alarm and monitoring carried out by the SHDC campus security team.

Stormwater Management

The proposal is to drain the two areas of development by pit and pipe systems into a 'CDS Stormceptor' or equivalent run-off treatment system, which then drains into the water quality basins located on the southeastern corner of the site. These water quality basins will then discharge to an existing depression and to the unnamed water course running west to east through the site. Overland flow on the pad will also be directed to the basin area.

Operational Details

The 7 operating generators will operate 24 hours a day. Systems monitoring will occur on a 24 hour, 7 days per week basis.

As mentioned above, the proposal includes 2 standby generators for maintenance and service purposes.

Scheduled maintenance of both internal and external plant and equipment will occur during standard daytime hours. Whilst the facility has been designed to minimise as far as practical the potential for unforeseen outages or critical equipment failure, unscheduled or emergency maintenance – if required – would need to be able to occur on a 24/7/365 basis.

The site will not be occupied with any full-time employees. Any visitors, maintenance personnel or transient staff in attendance will not be more than the number accounted for in the approved 14MW generator hall.

General access to the site will be restricted and monitored / managed via on site operational staff. All deliveries, maintenance and waste collection will be arranged via private contractors.

There will be onsite storage of:

- Lube Oil >10,000 L
- Adblue >5,000 L (Non-toxic and non-hazardous – made up of 32.5% demineralised water) used for emissions control.

No large quantities of any other chemicals are required to be stored onsite.

4. SECTION 4.15 ASSESSMENT

This section provides an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the EP&A Act, including the following Acts, Regulations, Environment Planning Instruments and Development Control Plans:

Acts:

- *NSW Environmental Planning & Assessment Act 1979* ('EP&A Act')
- *NSW Environmental Planning & Assessment Regulation 2021* ('EP&A Regulation')
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* ('EPBC Act')
- *Biodiversity Conservation Act 2016* ('BC Act')
- *Protection of the Environment Operations Act 1979* ('POEO Act')

Environmental Planning Instruments:

- *State Environmental Planning Policy (Planning Systems) 2021* ('Planning Systems SEPP')
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport & Infrastructure SEPP')
- *State Environmental Planning Policy (Resilience and Hazards) 2021* ('Resilience & Hazards SEPP')
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('Biodiversity & Conservation SEPP')
- *State Environmental Planning Policy (Industry and Employment) 2021* ('Industry & Employment SEPP')
- *Wingecarribee Local Environmental Plan 2010* ('WLEP 2010')

Development Control Plans

- *Moss Vale Enterprise Corridor Development Control Plan* ('MVEC DCP')

4.1 EP&A Act

S 1.3 – Objects

The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment. In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- To promote the orderly and economic use and development of land,*
- To promote the delivery and maintenance of affordable housing,*
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*

- (f) *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *To promote good design and amenity of the built environment,*
- (h) *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be anti-pathetic to the above objects. It is consistent with facilitating the intended development outcomes for the Moss Vale Enterprise Corridor.

S 1.7 – Application of Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species or ecological communities or their habitats. The matters to be taken into account and an assessment against those matters is provided in **Table 3** below:

Table 3 – BC Act Part 7 Matters

Matter	Assessment
(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,	The Site is not known to contain any threatened species.
(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity— (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,	The Site is not known to contain any endangered or critically endangered ecological communities.
(c) in relation to the habitat of a threatened species or ecological community— (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and	The Site is not known to contain habitat of threatened species or endangered ecological communities.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,	
(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),	The Site does not contain any declared area of outstanding biodiversity value.
(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.	Having regard to the above, the proposed development would not be a key threatening process.

S 4.10 - Designated Development

Part 4, Section 4.36(2) of the Act deals with development that is declared to be designated development by Relevantly, Schedule 3 of the Regulation to the EP&A Act (Part 2, clause 24) specifies a designated development 'threshold' for electricity generating stations of more than 30MW of electrical power generation from gas energy sources. As the proposal has a total site output pf 14MW, it does not trigger the designated development provisions of the EP&A Act.

S 4.36 – State Significant Development

Part 4, Section 4.36(2) of the Act deals with development meeting the criteria for State Significant Development ('SSD'). The proposal would not meet the thresholds for SSD. (see discussion at section 4.4 of this SEE).

S 4.47 – Integrated Development

For the purposes of the EP&A Act, Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the approvals listed at s4.46.

Having reviewed s4.46 we provide the following comments:

- The development will not cause disturbance to any areas of potential aboriginal heritage significance. A s90 Permit under the *National Parks & Wildlife Act 1979* is therefore not required for this development.
- The proposed development does not involve works on *waterfront land* and therefore does not require the obtaining of a Controlled Activity Approval ('CAA') under the *Water Management Act 2000* ('WM Act').
- The Site is not identified as *Bushfire Prone Land*. The development does not trigger the requirement for a s100B Authority under the Rural Fires Act 1991.
- The development does not require a license under the Protection of the Environment Operations Act 1997 as it does not exceed the scheduled activity thresholds (see section 4.3 of this SEE).

In conclusion, the development is not defined as integrated development.

4.2 EPBC Act 1991

The Site contains no vegetation or fauna of significance under the EPBC Act. Therefore, assessment according to the Significant Impact Criteria (DoE 2013) was not required and has not been undertaken.

4.3 POEO Act

The *Protection of the Environment Operations Act 1979* (POEO Act 1997), Schedule 1 contains a core list of activities which require a license before they may be undertaken or carried out.

Section 48 of the POEO Act applies to *scheduled activities (Square Energy-based)* for which a license under the Act is required. Schedule 1 of the POEO Act lists those Square Energy-based activities for which a license is required. *Section 17 – Electricity Generation* of Schedule 1 contains the relevant provisions for consideration.

The proposed gas power generation plant is defined as *general electricity works* under sub-clause (1) to Section 17:

general electricity works, meaning the generation of electricity by means of electricity plant that, wherever situated, is based on, or uses, any energy source other than wind power or solar power.

The table at sub-clause (2) to Section 17 sets out the criteria for *general electricity works* to be declared a scheduled activity, i.e., a capacity to generate more than 30 MW of electrical power.

As the previously approved development (14MW) and the proposed development (16MW) would not generate more than 30 MW of electrical power a license under the POEO Act would not be required.

4.4 Planning Systems SEPP

Schedule 1 of the Planning Systems SEPP (State significant development – general) nominates electricity generating works (i) having a capital investment value ('CIV') of more than \$30 million or (ii) having a CIV of more than \$10 million and located in an environmentally sensitive area of State significance as SSD. The development does not have a CIV of more than \$30 million (refer to Cost Estimate Report prepared by Hanna Newman Associates Pty Ltd, dated 19 August 2025 accompanying this application) and is not located in an environmentally sensitive area of State significance. It does not therefore meet the thresholds for SSD.

Schedule 6 of the Planning Systems SEPP (Regionally significant development – general) nominates electricity generating works having a CIV of more than \$5 million as *Regionally Significant Development*. As the development has a preliminary cost estimate exceeding \$5 million, it triggers the regionally significant development provisions of the SEPP.

4.5 Transport & Infrastructure SEPP

Part 2.3, Division 4, Clause 2.36 of the Transport & Infrastructure SEPP permits development for the purposes of *electricity generating works* on land zoned *IN1 General Industrial* (now *E4 General Industrial*), as is the case here. The development may be considered permissible under the *Wingecarribee Local Environmental Plan 2010* (see section 3.3.1 of this advice). In any case this provision in the ISEPP removes any doubt over the permissibility of the development.

Schedule 3 of the Transport & Infrastructure SEPP also lists the types of development which are defined as Traffic Generating Development and requiring referral to Transport for NSW (formerly RMS).

The development does not meet the relevant traffic-generating development thresholds under Schedule 3 for referral to Transport for NSW, being 200 or more car parking spaces or 200 or more motor vehicles per hour (see Traffic & Parking Assessment accompanying this application).

4.6 Resilience & Hazards SEPP

The Resilience & Hazards SEPP relevantly consolidates 3 SEPPs, including *State Environmental Planning Policy No 55 – Remediation of Land* ('SEPP 55') and *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* ('SEPP 33').

Chapter 3 – Hazardous & Offensive Development

Chapter 4 of the Resilience & Hazards SEPP contains the former provisions of SEPP 33 and applies to any proposal which falls under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. Industries or projects determined to be hazardous or potentially hazardous would require the preparation of a Preliminary Hazard Analysis (PHA) in accordance with s3.11 of the Resilience & Hazards SEPP. No further assessment under SEPP 33 is required for projects not considered potentially hazardous.

This development includes no hazardous materials as defined within the applicable guideline, *Applying SEPP 33 Hazardous and Offensive Development Application Guidelines* ('Department of Planning, 2011), as substances falling within the classification of the *Australian Code for Transportation of Dangerous Goods by Road and Rail* ('the ADG Code').

Table 4 – Hazardous materials, quantities & storage location

Hazardous Material	Classification	Storage Quantity
N/A	N/A	N/A

As there are no hazardous materials stored on the site, there is no requirement to undertake a preliminary hazard analysis for the project.

Chapter 4 – Remediation of Land

Chapter 4 of the Resilience & Hazards SEPP contains the former provisions of SEPP 55. Pursuant to Clause 4.6 (Contamination and remediation to be considered in determining development application), a consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Phase 1 Environmental Due Diligence Assessment for the Tarcoola Park property was undertaken by Environmental Resources Management Australia (ERM) in 2006. The report identified the Site has previously been utilised for grazing, with the risk of on-site contamination to be low. ERM concluded the current potential sources of contamination are limited and well controlled.

Consideration of the risk of contamination were undertaken in approving the subdivision development of the Site under DA 16/720, which is no longer proceeding. It is therefore considered that the subject site is suitable for the proposed development pursuant to clause 4.6 of the Resilience & Hazards SEPP.

4.7 Biodiversity & Conservation SEPP

The Biodiversity & Conservation SEPP relevantly consolidates 11 SEPPs, including *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

On 21 November 2022, Chapter 8 (Sydney drinking water catchment) of the Biodiversity and Conservation SEPP was repealed. The provisions of Chapter 8 have been incorporated into Chapter 6 (Water catchments).

Part 6.2 (Development in regulated catchments) is applicable to the site. An assessment of the proposed development against the provisions of Part 6.2 is provided in the following **Table 5** below:

Table 5 – Part 6.2 Assessment

Section	Comment	Complies
6.6 Water quality and quantity		
(1) In deciding whether to grant development consent to development in land in a regulated catchment, the consent authority must consider the following –		
(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	MUSIC modelling as part of the Stormwater Management & MUSIC Model Assessment conceptually shows that a Neutral or Beneficial Effect criteria would be achieved for the proposed post development scenario given the treatment measures described in section 4 of the Report.	Yes
(b) whether the development will have an adverse impact on water flow in a natural waterbody,	The proposed development will not have any adverse impacts on water flow in any waterbodies given the treatment measures described in section 4 of the LCE Stormwater Management & MUSIC Model Assessment.	Yes
(c) whether the development will increase the amount of stormwater run-off from a site,	The proposed development will not increase the amount of stormwater run-off given the treatment measures described in section 4 of the LCE Stormwater Management & MUSIC Model Assessment.	Yes

Section	Comment	Complies
(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,	The development incorporates on-site stormwater retention to appropriately manage water quantity and quality impacts.	Yes
(e) the impact of the development on the level and quality of the water table,	The development does not have the potential to adversely impact the level and quality of the water table; the development does not involve any excavation works that could lower the water table.	Yes
(f) the cumulative environmental impact of the development on the regulated catchment,	The cumulative impact of the development on the regulated catchment is at worst neutral, given the treatment measures described in section 4 of the LCE Stormwater Management & MUSIC Model Assessment.	Yes
(g) whether the development makes adequate provision to protect the quality and quantity of ground water.	An Engineering Report and Civil Plans have been prepared to accompany the DA which ensure that the development will not adversely impact the quality and quantity of ground water.	Yes
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures –		
(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and	MUSIC modelling as part of the LCE Drainage Concept Report & MUSIC Model Assessment conceptually shows that a Neutral or Beneficial Effect criteria would be achieved for the proposed post development scenario given the treatment measures described in section 4 of the Report.	Yes
(b) the impact on water flow in a natural waterbody will be minimised.	The development does not have the potential to impact the water flow of any natural waterbodies given the measures described in section 4 of the LCE Stormwater Management & MUSIC Model Assessment.	Yes
6.7 Aquatic ecology		
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following –		
(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,	The development will not have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation.	Yes
(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require— (i) a controlled activity approval under the Water Management Act 2000, or (ii) a permit under the Fisheries Management Act 1994,	The development does not involve the clearing of any riparian vegetation.	N/A
(c) whether the development will minimise or avoid—	The site does not abut a natural waterbody. Notwithstanding, erosion and sediment control	Yes

Section	Comment	Complies
(i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody,	measures will be implemented prior to works commencing and maintained for the duration of the construction works.	
(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,	There are no wetlands, coastal wetlands or littoral rainforests in proximity to the site.	N/A
(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,	The development does not have the potential to impact aquatic ecology.	N/A
(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.	The site does not adjoin a natural waterbody.	N/A
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following –		
(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,	The development does not have the potential to directly, indirectly or cumulatively impact terrestrial, aquatic or migratory animals or vegetation.	Yes
(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,	The development does not have the potential to directly, indirectly or cumulatively impact on any aquatic reserves.	N/A
(c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,	N/A – a CAA is not required for the development.	N/A
(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,	The site does not abut a natural waterbody.	N/A
(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.	The site is not in proximity to wetlands.	N/A
6.8 Flooding		
(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—		

Section	Comment	Complies
(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or	Please refer to Stormwater Report dated 30.07.25 and associated plans prepared by LCE the development shall not be located on flood liable land	N/A
(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	See above.	N/A
6.9 Recreation and public access		
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—		
(a) the likely impact of the development on recreational land uses in the regulated catchment, and	The development does not have the potential to impact recreational land uses in the Sydney Drinking Water Catchment.	Yes
(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	N/A – the development does not impact public access to any natural waterbodies or watercourses, wetlands or riparian vegetation.	N/A
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—		
(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,	The development will not impact public access to and from any natural waterbodies.	N/A
(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,	The development does not include any new or existing points of public access between the site and any natural waterbodies.	N/A
(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	N/A – the development does not involve any public access to the foreshore of any natural waterbody.	N/A

Section	Comment	Complies
6.10 Total catchment management		
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	The development does not have the potential to adversely impact any downstream local government areas.	N/A

Part 6.5 (Sydney Drinking Water Catchment) provides that the objectives of this part are:

- (a) *to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and*
- (b) *to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.*

Section 6.61 provides that development consent must not be granted to development relating to any part of the Sydney Drinking Water Catchment unless the consent authority is satisfied the carrying out of the development would have a neutral or beneficial effect on water quality (the NorBE test). Section 6.64 further states that the concurrence of Water NSW must be obtained prior to the granting of consent to the carrying out of development.

MUSIC modelling as part of the LCE Stormwater Management & MUSIC Model Assessment conceptually shows that a Neutral or Beneficial Effect criteria would be achieved for the proposed post development scenario given the treatment measures described in section 4 of the Report.

4.8 WLEP 2010

Clause 2.3 Zoning, Zone Objectives & Permissibility

The Site is zoned *E4 General Industrial*. The development is defined as *electricity generating works* under WLEP 2010, which are permitted with consent in the *E4 General Industrial* zone.

electricity generating works means a building or place used for the purpose of—

- (a) *making or generating electricity, or*
- (b) *electricity storage.*

To avoid any doubt over permissibility, the Transport & Infrastructure SEPP permits *electricity generating works* on E4 zoned land (see section 4.5 of this Statement).

Clause 2.3 of WLEP 2010 requires consideration of the applicable zone objectives when determining a development application. Zone objectives for the *E4 General Industrial* are:

- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To allow a range of non-industrial land uses, including selected commercial activities, that provide direct services to the industrial activities and their workforce or that, due to their type, nature or scale*

are appropriately located in the zone without impacting on the viability of business and commercial centres in Wingecarribee.

- *To ensure that new development and land uses incorporate measures that take account of their spatial context and mitigate any potential impacts on neighbourhood amenity and character, or the efficient operation of the local or regional road system.*

Relevant to these objectives:

- The development provides supporting infrastructure for the approved SHDC at the Site.
- The development provides employment opportunity.
- The nature of operations by the proposed development will have a minimal impact on other land uses in the locality.
- The development is consistent with supporting the use of the land for a purpose consistent with that permissible on E4 zoned land.
- Spatially, the development will be consistent with anticipated built form outcomes for the Moss Vale Enterprise Corridor. Traffic impacts are negligible and well within the environmental capacity of the local and regional road network.

Clause 4.3 Height of Buildings

No maximum building height applies to the land under WLEP 2010.

Clause 4.4 Floor Space Ratio

No maximum Floor Space Ratio applies to the land under WLEP 2010.

Clause 5.10 Heritage Conservation

The land does not contain any items listed at *Schedule 5 Environmental Heritage* of WLEP 2010. The development will not cause disturbance to any areas of potential aboriginal heritage significance.

Clause 7.3 Earthworks

Site earthworks are proposed as part of the development. The following matters listed at clause 7.3(3) are required to be addressed as part of the development application:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or of the soil to be excavated, or both,*
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material or the destination of any excavated material,*
- (f) *the likelihood of disturbing Aboriginal objects or other relics,*
- (g) *proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

In respect to these considerations:

- (a) With the implementation of proposed soil and erosion control measures the proposed site works will not adversely affect existing drainage patterns and soil stability in the locality.

- (b) The proposed development works support and are appropriate to the efficient delivery of the approved SHDC.
- (c) The site earthworks creating the building platforms for the development will result in utilisation of approximately 9,350m³ of fill, being certified as VENM.
- (d) Proposed earthworks are well contained to the Site. The earthworks design will result in no adverse impact on the amenity of adjoining properties.
- (e) The site earthworks creating the building platforms for the development will not require the importing of fill material or the exporting of surplus material.
- (f) The development will not cause disturbance to any areas of potential aboriginal heritage significance. An unexpected finds protocol will form part of the Construction Environmental Management Plan to appropriately address the management of Aboriginal objects or other relics should they be discovered during construction.
- (g) Inclusion of the recommended measures set out in the *Drainage Concept & Music Modelling Assessment* will prevent adverse impacts on the drinking water catchment. The Site does not contain any environmentally sensitive areas.

Clause 7.5 Natural Resources Sensitivity

The subject property includes *riparian land* as shown on the *Natural Resources Sensitivity Map* NRS_007 of WLEP 2010. The proposed development is sufficiently removed from the identified *Category 3 Riparian Land* areas identified on the property. It is therefore not subject to consideration under clause 7.5.

4.9 MVEC DCP

Annexure A to this SEE sets out an assessment of the development against the relevant provisions of the MVEC DCP. The assessment finds that the development will satisfy all of the relevant provisions except for those in respect to building design control 9 at section 3.4 and landscaping (controls 1, 5, 6 & 8 at section 3.10). This is discussed in further detail below.

Building Design

Control 9 at section 3.4 nominates that *building materials should be non-reflective and external colours are to be muted earth and bush vegetation tones. Dark colours and large areas of white or vibrant colours are to be avoided.*

The building elevations plans in the Architectural Plan set which nominate roofing, gutters, downpipes finishes as Colorbond Southerly, wall cladding as a finished combination of Colorbond Southerly and Colorbond Monument, roller shutters finish as Colorbond Southerly and louvres finish as Colorbond Monument. The finishes are non-reflective with muted tones. Whilst the finishes may not be entirely consistent with the preferred finishes as outlined by control 9 opposite, they are consistent with the finishes for the Southern Highlands Data Centre on the same property. In terms of visual amenity, a consistent approach to buildings finishes on the property is considered to be a better outcome and a variation to the control is justified. The proposed finishes are also compatible with other recently constructed / under construction buildings in Red Fields Road which immediately adjoins to the south (see below photos).

PROPOSED GAS POWER GENERATOR PLANT & BESS COMPOUND
30 DOUGLAS RD MOSS VALE STATEMENT OF ENVIRONMENTAL EFFECTS



New buildings in Red Fields Road

Landscaping

Relevantly the landscaping controls at section 3.10 require submission of a concept landscape plan (control 1), a minimum 3m wide landscape area alongside and rear boundaries (control 5), height & density of landscaping to provide effective visual softening to buildings and other structures and open hardstand areas (control 6) and strategic landscaping within the site to soften the appearance of large expanses of hardstand areas (control 8).

The relevant DCP objectives for the landscaping controls are:

- *Landscape treatments complement the area and create consistent and attractive streetscapes.*
- *Landscape treatments reduce the visual impact of development and enhance the amenity of users.*

As outlined in Table 2 of this Statement, the originally approved subdivision development of Lot 40 (DA 16/720) included a sealed industrial standard 13m wide road to be dedicated as part of a public road to be known as Innovation Drive. The subdivision is no longer proceeding, meaning that the road will be private access servicing future development of Lot 40. This means that the nearest public roads to the development site the subject of this application are Douglas Road and Carribee Road. Douglas Road is a minimum distance of approximately 580m from the development site, with Carribee Road at a minimum distance of approximately 820m from the development site. Because of the distance from Douglas and Carribee Roads, site topography and partial screening by other adjoining development along Douglas Road, this development will not be visually dominant from the public domain.

Further to the above, from a security and risk assessment perspective it is also considered highly desirable to limit the extent of landscaping given the plant's power supply relationship to the SHDC. As approved with modification application 21/1042.2 for the SHDC, no landscaping other than turfing and low height native planting of areas is required to eliminate restriction of vision and potential hide points within the vicinity of the SHDC.

Noting the above reasons, we consider that relaxation of the controls is justifiable in this circumstance.

4.10 Environmental Impacts

Context & setting

The Moss Vale Enterprise Corridor within which the Site is located has been zoned to allow development of a sustainable employment area, catering for conventional light and general industrial development to meet local and regional demands for industrial land. It is also anticipated to accommodate business park commercial development and larger scale freight storage and distribution operations associated with existing rail infrastructure and a possible intermodal freight terminal.

It is considered that the proposed power generation plant sits well within this contextual framework.

Air Quality

This application is accompanied by an Air Quality Impact Assessment prepared by Todoroski Air Sciences (Ref: 23111663C, FINAL-001 dated 18 August 2025). The report considers the proposed site development, with the assessment being undertaken in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (NSW EPA, 2022).

The conclusion of the report provides the following advice and recommendation:

It is predicted that all the assessed air pollutants generated by the operation of the Project would comply with the applicable assessment criteria at the assessed receptors and therefore would not lead to any unacceptable level of environmental harm or impact in the surrounding area.

The Project is predicted to result in relatively low emissions and would not result in any significant air pollution that may adversely impact residential land uses.

Nevertheless, the site would utilise technology that low NOx emission mitigation controls and would perform all periodic testing and maintenance as per the manufacturer's specifications and schedule to maintain low pollutant emissions from the site.

Overall, the assessment demonstrates the Project can operate without causing any significant air quality impact at receptors in the surrounding environment and would be maintained per manufacturer's specifications to ensure continued low emissions performance.

In summary, the report finds that air quality impacts will be well within the accepted criteria and recommends that emissions monitoring be conducted post-commissioning to ensure continuing compliance. The requirement for the conducting and reporting of post-commissioning monitoring can be managed through conditions of development consent.

Soil & Water Management

Potential soil and water impacts from the development are associated with both construction and operational phases.

During the construction phase, initial site earthworks, vehicle movements to, from and over construction areas and general construction management are potential sources of soil and water impacts.

Satisfactory mitigation of these potential impacts would be achieved by implementation and maintenance of suitable soil and sediment control measures and general construction management as part of an overall Construction Environmental Management Plan.

During the operational phase, potential soil and water quality impacts would be related to stormwater management. Implementation and ongoing management of the recommended stormwater management measures as outlined in the *Stormwater Management & Music Modelling Assessment* by LCE will satisfactorily manage this.

Traffic, Parking and Access

The traffic generation of the proposed development will be significantly less than other permitted development on E4 zoned land. No adverse traffic implications are anticipated.

As outlined at Annexure A to this Statement, the MVEC DCP does not specify parking criteria in relation to the proposed land use. Parking availability kerbside along the site's internal private access road in the vicinity of the power generation plant will more than adequately meet parking needs.

The proposed 8m wide ingress and egress driveways will comply with the design requirements of AS2890.1 & 2, will accommodate all vehicles requiring access to the site.

The design of the 8m wide internal roadway will also comply with the requirements of AS2890.1 & 2 and there

will be generous provision for cars and trucks to turn and manoeuvre.

Onsite service arrangements will accommodate vehicles associated with normal deliveries and waste management.

The proposal will not have any unacceptable traffic, parking or access implications.

Noise and Vibration

Potential environmental noise impacts from the development are associated with both construction and operational phases.

Construction

The estimated construction period for the power generation plant is estimated at 26 weeks (weather permitting). Construction methodology is as follows:

- Site establishment including site access
- Bulk earthworks
- Construction of building and associated infrastructure
- Installation of equipment

Likely noise generating equipment to be used during construction would include bored piling rig, bulldozer, excavator, grader, concrete agitators and pumps, crane, trucks (including dump trucks) and light vehicles. Some of this construction machinery would only be present for brief periods during construction.

Noise mitigation and management measures generally relate to controlling noise at the source, controlling the transmission of noise and controlling noise at the receiver. In respect to receivers, it is noted that the nearest residential receiver not associated with the project is approximately 300m away (50 Carribee Road). Traffic noise impacts are not expected due to traffic generated during construction or operation.

The following proposed mitigation measures, where feasible and reasonable, would satisfactorily mitigate noise generation:

- Limit construction hours to standard construction hours of 7am to 6pm Monday to Friday, 8am to 1pm Saturday and no work on Sunday/Public holiday.
- Notify nearby receivers detailing the construction activities, time periods over which they would occur, the duration of works and contact details.
- If noise complaints are received they should be recorded and attended to.
- Provide site inductions to all employees, contractors and subcontractors regarding quiet work practices, any limitations on high noise generating activities, permissible hours of work and appropriate behavioural practices.
- Quieter construction methods should be used where feasible.
- Minimise construction movements outside the standard construction hours.
- Turn off equipment after use.

Construction vibration impacts have the potential to occur during the earthworks stage of construction. This would be a source of intermittent vibration but would be unlikely to generate levels above acceptable vibration criteria as the nearest structures, not related to the Project, are located approximately 300m from construction works.

Operation

A Noise Impact Assessment of the proposed operation of the development accompanies this application (Report by Day Design, Ref: 7303-7.1R Rev A, dated 19 August 2025). This report assesses the environmental noise impacts from the operation of 7-gas engine powered generators (noting 2 engines are for standby) and associated plant including that supporting the Battery Energy Storage System (BESS) Compound in combination with the Southern Highlands Data Centre on the same property. The assessment criteria have been derived from the NSW Noise Policy for Industry (EPA, 2017).

The assessment concludes that provided the recommended noise controls in Section 7 of the report are implemented the cumulative level of noise emitted by the operation of the power plant and BESS *"will meet the most stringent noise criteria at the nearest residential and industrial receptors, established in accordance with the NSW Noise Policy for Industry"*.

The controls specified at Section 7 of the report detail:

- Design measures for the Generator Hall building's external walls, its roof / ceiling and its louvred façade openings, along with recommending its entry doors be kept closed when entry ways are not in use.
- Recommendations when finalising plant and equipment selections to reduce their level of noise emissions. This includes:
 - Generator exhaust mufflers/silencers achieve a sound pressure level no greater than 86 dBA at 1m from the discharge.
 - Ventilation fans on the south façade of the generator hall achieve a sound pressure level no greater than 80 dBA at 1m from each fan.
 - External dry cooler units on the north façade of the generator hall achieve a sound pressure level no greater than 90 dBA at 1m from each unit.
 - BESS units selected achieve a sound pressure level no greater than 83 dBA at 1m from each unit.
 - Power conversion units selected achieve a sound pressure level no greater than 89 dBA at 1m from each unit.
 - An acoustic review be conducted at Construction Certificate stage for final plant and equipment selections and mechanical services drawings to ensure noise criteria can be met.

The above can be managed through conditions of development consent.

4.11 Social & Economic Impact

It is considered that the proposed development will have an overall positive social and economic impact. The nature of the proposed development operations will not lead to unacceptable social impacts in the locality. It

will generate significant capital investment and contribute to job creation through both its construction phase and operations. Importantly, it will play a catalytic role for future investment and development in the Moss Vale Enterprise Corridor ('MVEC').

4.12 Suitability of the Site for the Development

Based on the various investigations undertaken previously as part of the subdivision approval process creating the Site and the investigations undertaken as part of this development proposal it is considered that there are no restrictions in terms of the Site itself or the locality that would render the development unsuitable.

4.13 Submissions

Any public submission will be considered as part of the assessment process as required by the provisions of the Environmental Planning and Assessment Act 1979

4.14 The Public Interest

As mentioned throughout this SEE, the proposed development will support the SHDC that is located within the Moss Vale Enterprise Corridor. This is a positive growth sign for the Corridor. It is apparent that the proposed development, in itself and by supporting the SHDC, represents a significant capital investment in the Corridor. It is development consistent with the objectives for the corridor and if approved will be a catalyst for further significant capital investment and growth. These outcomes are clearly in the public interest.

There are no aspects of the development that would not be in the public interest based on current land use planning considerations.

5. CONCLUSION

The subject development of this SEE seeks approval for the construction and operation of a proposed 16MW gas powered electricity generation plant to provide onsite power to the Southern Highlands Data Centre and an 80MW Battery Energy Storage System (BESS) to store any excess energy created by the power generation at 30 Douglas Road, Moss Vale.

This SEE has considered the development against the relevant considerations of the Environmental Planning and Assessment Act 1979, relevant State Planning Policies, WLEP 2010 and the Moss Vale Enterprise Corridor DCP. The development is permissible with consent and satisfies the relevant provisions of the Act, SEPPS, and LEP. The development satisfactorily addresses the objectives and controls of the DCP. Whilst a variation to DCP building design control is sought, it is considered that a variation to this control is justifiable in the circumstances as set out by this Statement.

Potential environmental impacts from the development have been considered by this SEE, with the benefit of technical documents and plans supporting the development application. The assessment of relevant environmental considerations, including water quality, air quality, context / setting, noise / vibration, traffic /

access has found that the development will not have unacceptable impacts. The development will have an overall positive social and economic impact in the locality. Approval of the development is in the public interest as it is consistent with the objectives for the Moss Vale Enterprise Corridor will provide a significant capital investment in the Corridor. It will also be a catalyst for further significant capital investment and growth.

Having considered all the relevant matters, it is considered that the development can be supported and development consent granted subject to conditions.

ANNEXURE A - MVEC DCP ASSESSMENT

Moss Vale Enterprise Corridor Development Control Plan	
Control	Commentary
3.1 Land use 1. The use of land in the Moss Vale Enterprise Corridor must comply with the Development Concept Plan. 2. Proposed development within the vicinity of existing heavy industrial land uses must demonstrate an understanding of the noise/air and amenity impacts of existing development as part of their development proposal	1. The proposed land use does not contravene the Development Concept Plan. Complies. 2. The Site is well removed from existing heavy industrial land uses. The nearest existing industrial land uses are Shore Hire at 33 Carribee Road (approx. 800m to the west) and Cromford Pipe Holdings at 1 Douglas Road (approx. 30m to the south) The separation distance along with the nature of operations associated with this development would not cause the existing development in the locality to have unreasonable noise/air or amenity impacts on this proposal. Complies.
3.3 Access and Movement 7. Vehicle access arrangements must comply with minimum standards set by applicable Australian Standards in addition to Council's Endorsed Technical Specifications (to be endorsed); Design (Vol 1) and Construction (Vol 2) and must be adequate to meet the needs of the development and associated vehicular traffic.	The proposed vehicle access arrangements for the development meet the relevant standards. Complies.
3.4 Building siting and design 1. The height of buildings and other structures located within 50m of Berrima Road must not exceed 15 metres above ground level. 2. The height of buildings and other structures must otherwise not exceed 20 metres above ground level. 3. The minimum building setback from any property boundary adjacent to Berrima Road, the Moss Vale Bypass and Arterial Roads is 15 metres. 4. The minimum building setback from other roads is 10 metres. 5. The minimum building setback required to side and rear lot boundaries next to rural zoned land is 15 metres. 6. Front building setback areas must be used for landscaping or staff and visitor car parking. Open storage is not permitted. 7. Building footprints must not exceed 65% of the total site area.	1. N/A 2. The proposed development has a maximum building height of 8m. Complies. 3. N/A 4. The proposed development is accessed by the constructed private access road within Lot 40 DP 1288692, connecting to Douglas Road. It has a minimum building setback to Douglas Road is well in excess of 10m. Complies. 5. The proposed development is within Lot 40 DP 1288692. The proposed development has a minimum building setback to its nearest side boundary next to rural zoned land (1 Douglas Road) well in excess of 10m. Complies. 6. The development's front setback is internal to Lot 40 DP 1288692. The requirement for the setbacks to be used for landscaping and car parking is N/A. No open storage is proposed. Complies. 7. The maximum allowable building footprint area for Lot 40 DP 1288692 (site area of 67ha) is approx. 43.55ha. The proposed development, in combination with the approved data centre building footprint, is well below 43.55ha. Complies.

Control	Commentary
3.4 contd. 8. Development proposed within the Scenic Protection Constraint Area must be accompanied by a visual impact statement prepared by a suitably qualified person. The visual impact statement must demonstrate that the development will not result in a significant adverse visual impact on the surrounding area. 9. Building materials should be non-reflective and external colours are to be muted earth and bush vegetation tones. Dark colours and large areas of white or vibrant colours are to be avoided. 10. Building design is to include measures to reduce water and energy use. These measures (including the energy efficiency measures set out in section 3.5 and water conservation measures such as recycling and reuse of treated waste water) are to be documented in a building sustainability statement prepared by a suitably qualified person submitted with the development application. 11. The siting of buildings and other structures should consider the mature size and height of existing vegetation and proposed landscape treatments to protect assets and occupants. 12. The siting and design of buildings within bushfire prone land must demonstrate compliance with the requirements of Planning for Bushfire Protection 2006 published by the NSW Rural Fire Service.	8. N/A. 9. Refer to the building elevations plans in the Architectural Plan set which nominate roofing, gutters, downpipes finishes as Colorbond Southerly, wall cladding as a finished combination of Colorbond Southerly and Colorbond Monument, roller shutters finish as Colorbond Southerly and louvres finish as Colorbond Monument. The finishes are non-reflective with muted tones. Whilst the finishes may not be entirely consistent with the preferred finishes as outlined by control 9 opposite, they are consistent with the finishes for the approved and under construction Southern Highlands Data Centre on the same property and and other recently constructed / under construction buildings in the adjoining Red Fields Road (photos included in the updated Statement of Environmental Effects). In terms of visual amenity, a consistent approach to buildings finishes on the property is considered to be a better outcome and a variation to the control is justified. 10. Building and development has been designed to reduce water and energy use. Complies. 11. The development does not require the removal of significant vegetation and presents no conflict in respect to protection of assets and occupants. Complies. 12. N/A.
3.5 Energy Efficiency 1. Building design demonstrates an appropriate response to local climate and to the site and its context. 2. Passive solar and passive ventilation is incorporated into the design of buildings to minimise reliance on electrical and mechanical systems. 3. New development must consider building design and operation measures that reduce energy consumption relative to conventional buildings. These measures could include: • use of renewable energy sources such as solar or heat pump water systems • use of renewable or recyclable building materials • insulation of roof and walls to comply with relevant Australian Standards • use of sustainable energy technologies such as photovoltaic cells and cogeneration where appropriate 4. Maximise the use of natural light to internal spaces through window type and location and insulated roof windows. 5. Use energy efficient (low energy demand) fittings and switches.	1 to 5. A Building Sustainability Statement by Square Energy, outlining measures to reduce water and energy use, accompanies this application. The proposed measures outlined satisfy the controls. Complies.

Control	Commentary
3.6 On-site parking and loading facilities 1. The number of car parking spaces to be provided on site shall be determined in accordance with the Car Parking Schedule below. The number of car parking spaces required shall be rounded up or down in accordance with normal mathematical practice. The loss of any on street parking as a result of the development including new vehicular entry points or loading zones shall be compensated for by providing on site parking equal to the number of lost spaces. 2. Council will require the provision of adequate on site turning facilities for commercial vehicles. 3. Under no circumstances will Council permit the reversing of vehicles onto main or arterial road or future by-pass route. 4. For the design of off-street commercial vehicle facilities refer to AS 2890.2: 2004 for guidelines. 5. Loading and unloading of materials and goods must take place within the site. 6. Loading bays are not to be used for the storage of goods or waste storage other than during the loading/unloading process. 7. Open parking areas should be designed to incorporate a 2.5 metre wide landscape bay for tree planting every 6 to 8 car bays. 8. Other open hardstand areas should be screened from public view with appropriate landscape treatments.	1. The car parking schedule in the DCP does not specify a parking rate for the propose land use here. Parking demand is restricted to 2 operational and 4 occasional maintenance personnel. The development is located with Lot 40 DP 1288692 and onsite parking demand will be easily met by kerbside parking along the internal private access road in front of the development. 2. The proposed development is within Lot 40 DP 1288692. Onsite turning and maneuvering is provided by the private access road and the Service Road around the perimeter of the Generator and BESS 'pad'. Complies. 3. N/A. 4. The development caters for off-street commercial vehicle facilities as relevant and as per AS 2890.2: 2004. Complies. 5. Loading and unloading of vehicles to take place within the site. Complies. 6. Loading and unloading areas are not to be used for the storage of equipment / goods / waste. Complies. 7. See 1 above. N/A. 8. All hardstand area are well removed from public view and are not required to be landscape screened. Complies.
3.7 Signage 4.4. Signage shall comply with Appendix 2. 4.4. Signage must be contained within the site and must be limited to information that relates to the use of the site and the name of the Square Energys or occupier. 4.4. The number of signs within a site is to be minimised and sited in accordance with a signage strategy submitted with development applications. 4.4. Signage must be designed as an integral part of site development and building design. Design details must be provided in a signage strategy prepared by a suitably qualified person submitted with a development application.	No signage is proposed as part of this application. N/A.
3.8 Fencing 1. Transparent or open-style fencing along street frontages is encouraged and should not be located forward of the building line. 2. The integration of landscaping with fence lines is encouraged. 3. Fencing details must be submitted as part of a development application.	No fencing proposed as part of this proposal. N/A.

Control	Commentary
3.9 External Lighting 1. An external lighting strategy must be submitted with development applications and must indicate the location and design of lighting and the proposed hours of use. 2. A light spill impact assessment prepared by a suitably qualified person must be submitted with development applications for land located next to rural or residential zones and land within the Scenic Protection Constraint Area.	No external lighting proposed as part of this proposal. N/A.
3.10 Landscaping 1. A landscape concept plan prepared by a suitably qualified person is to be submitted with a development application. The landscape concept plan must indicate the location and nature of proposed landscape treatments within the development site including identification of species and mature heights. 2. A minimum 5 metre deep landscaped area is to be established along any lot boundary adjacent to Berrima Road (see Figure 2a) in the Local Industry Precinct. 3. A minimum 10 metre wide landscaped area is to be established along any lot boundary adjacent to the Moss Vale Bypass or Arterial Road. 4. A minimum 15 metre wide landscaped area is to be established along lot frontages to internal access roads and along boundaries with rural zoned land outside the Enterprise Corridor. 5. A minimum 3 metre wide landscaped area is to be established along the side and rear boundaries of a site unless otherwise specified above. 6. The height and density of vegetation within building setback areas must be sufficient to provide effective visual softening to buildings and other structures and open hardstand areas. 7. Landscaping should be integrated with existing native vegetation and should use compatible local native species selected from the council native species list. 8. Strategic landscaping within other parts of the site should be established to provide shade to car parking areas and to soften the appearance of large expanses of hardstand areas. 9. Native plant species should be used for Riparian areas and a mix of exotic and native plants should be used in all landscape areas with emphasis on water efficient species. The plant species must be selected from the council native species list and must be compatible with existing native vegetation within the site. 10. Reticulated water must not be used for irrigation purposes	1. Landscape concept plan provided with Plus Architecture drawings, dated 15.08.25. Complies. 2. N/A. 3. N/A. 4 to 8. Landscape concept plan provided with Plus Architecture drawings, dated 15.08.25. Referring to discussion at Section 4.9 of this Statement, landscaping is provided to enhance built form and visual amenity. 9. No existing riparian vegetation areas affected by the development. Complies. 10. No reticulated water to be used for irrigation purposes. Complies.

Control	Commentary
3.11 Utility Services 1. A servicing strategy prepared by a suitably qualified person must accompany development applications for the subdivision of land and must be consistent with the Development Concept Plan. 2. Lots must be connected to essential utility services before development can proceed. 3. Utility services must be adequate to meet the demands generated by the proposed development. 4. A water storage reservoir site may need to be set aside as indicated on the Development Concept Plan. The need for the site will be confirmed by a water modelling exercise and could require an area in the order of 1000 to 2000 square metres 5. Six 1000 square metre sewerage pump station sites are to be set aside as indicated on the Development Concept Plan. 6. Three 5000 sq m electricity zone substation sites are to be set aside as indicated on the Development Concept Plan.	1. No subdivision is proposed. N/A. 2. No subdivision is proposed. N/A. 3. The proposal is for electricity generating and storing infrastructure. Appropriate and necessary utilities services to be connected to the development. Complies. 4. N/A to this development site. 5. N/A to this development site. 6. N/A to this development site.
3.14 Noise 1. Development must comply with the requirements of the NSW Industrial Noise Policy and Environmental Protection Authority (EPA) requirements. 2. A noise impact statement prepared by a suitably qualified person must be prepared for development proposals within 500 metres of a rural or residential zone boundary. The noise impact statement must demonstrate that noise from the proposed development will not result in a significant adverse impact on the amenity of surrounding rural or residential properties based on accepted noise criteria. 3. Proposed development within the vicinity of existing heavy industrial land uses must demonstrate an understanding of the noise impacts of existing development as part of their development proposal.	1. Refer to Acoustic assessment submitted with this application. Complies. 2. See above. 3. The Site is well removed from existing heavy industrial land uses. The nearest existing industrial land uses are Shore Hire at 33 Carribee Road (approx. 800m to the west) and Cromford Pipe Holdings at 1 Douglas Road (approx. 30m to the south). The separation distance along with the nature of the development operations would not cause the existing development in the locality to have unreasonable noise impacts on the proposal. Complies.
3.16 Flood prone land and stormwater management 1. Flood-prone land is incorporated into the conservation zone delineated on the Development Concept Plan. 2. Development proposals on land within the Water Inundation Constraint Area as identified on the Development Concept Plan must be accompanied by a flood assessment. The assessment must demonstrate the land is suitable for development and that development will not increase the potential for downstream flooding. 3. Development shall comply with the requirements of Appendix 3.	1 to 6. Please refer to the plans and Stormwater Report prepared by LCE. In respect to flooding, these supporting documents (based on the Review of the Wingecarribee River Flood Study dated February 2022) demonstrate that the proposed development is located outside of the potential water inundation land in the 1% AEP event and is not located in the Water Inundation Constraint Area. Complies.

Control	Commentary
3.16 contd. 4. A stormwater management plan prepared by a suitably qualified person must be submitted with development applications. The plan must address the requirements set out below: • A minor drainage system collecting runoff from roads and hardstand areas must be provided. This shall include a pipe drainage system designed for a 1 in 20 year storm event. • Overland flow paths to accommodate flows in excess of the 1 in 20 year storm and up to the 1 in 50 year storm event must be provided. • Detention basins to limit post-development flows to pre-development flows for all storm durations. • Details of water quality devices to ensure pollutants do not contaminate water leaving the site. • Sustainable development and water sensitive urban design measures proposed. 5. An erosion and sediment control plan must accompany development applications. This must detail measures proposed to prevent soil erosion and sediment transport. 6. Stormwater management facilities should be integrated with conservation areas or proposed landscape areas where possible	See above.
3.17 Waste Management <u>Prior to Construction</u> 1. A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000). 2. Consideration must be given to re-using existing materials, or parts thereof, on the subject site for the proposed use. 3. Applicants must demonstrate a commitment to waste minimisation by completing a Waste Management Plan that will minimise material going to landfill. 4. The Waste Management Plan must address the following requirements (as a minimum): – Volume and type of waste, land fill and recyclables to be generated. – Storage and treatment of waste and recyclables onsite. – Facilities proposed to receive residual waste and recyclables. 5. Where the building contains asbestos, Council will ask for verification of the disposal technique used, the amount removed and the disposal location for the asbestos materials. This documentation will need to be submitted within 7 days of off site disposal. 6. Receipts from the disposal of residual waste and recyclables are required to be retained by the applicant in order to confirm the lawful disposal of these materials.	1. No demolition work is required. A waste management plan (WMP) will be provided as part of construction documentation. Will comply. 2. Re-use of material to be employed as far as practical. Will comply. 3. A WMP will be provided as part of construction documentation. Will comply. 4. The WMP to be provided as part of construction documentation to include (i) the volume and type of waste, land fill and recyclables to be generated, (ii) Storage and treatment of waste and recyclables onsite and (iii) Facilities proposed to receive residual waste and recyclables. Will comply. 5. N/A 6. Noted. Will comply.

Control	Commentary
3.17 contd. <u>During Construction</u> 7. Construction activities are to be managed so that waste is sorted, reused or recycled, where possible. Potentially windblown rubbish such as foam, cardboard or plastic must be stored on the site within a receptacle with a tight fitting, secure lid. 8. Any fill removed from the site shall only be placed on an approved waste disposal facility and as detailed in the Waste Management Plan. 9. It is not acceptable to dispose of all waste material generated from construction to landfill. Instead, applicants must demonstrate a commitment to waste minimisation. The Waste Management Plan must demonstrate implementation of the following during construction (as a minimum): – Installation of waste storage receptacles, and – Sorting of waste into material types. 10. Receipts from the disposal of residual waste and recyclables are required to be retained by the applicant in order to confirm the lawful disposal of these materials.	7. Noted, to be addressed as part of WMP. Will comply. 8. Noted, to be addressed as part of WMP. Will comply. 9. Noted, to be addressed as part of WMP. Will comply. 10. Noted. Will comply.