

Our ref: NEXTDC S4 Data Centre Horsley Park (SSD-63741210)

Mr Christopher Croucamp
Senior Consultant
Urbis Pty Ltd
201 Sussex Street
Sydney NSW 2000

27 October 2023

Subject: Planning Secretary's Environmental Assessment Requirements – Industry Specific

Dear Mr Croucamp

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed data centre at 3-5 Johnston Crescent, Horsley Park (SSD-63741210).

Based on the information provided in your application, industry-specific SEARs have been issued for your project.

Please contact the Department of Planning and Environment (the Department) as soon as possible if your project changes. If the changes are significant, a scoping report may be required and the SEARs may need to be re-issued. The Department may also need to consult with public authorities in accordance with Part 8 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

If required, the Planning Secretary may modify your 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 development application (DA) and EIS 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.

Additional assessment requirements

The Department has identified assessment requirements additional to those attached. These requirements, in addition to the industry-specific SEARs, are provided below and should be taken to be the collective SEARs for the project.

- **Hazards and risk** – The EIS must demonstrate the relevant aspects of the *FM Global Property Loss Prevention Data Sheet 5-32 – Data Centres and Related Facilities* have been considered and could be implemented as part of the development. It must also demonstrate the development would comply with the relevant aspects of the following standards:
 - AS/NZS 4681 – Storage and handling of Class 9 (miscellaneous) dangerous goods and articles

- AS IEC 62619 – Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications
- AS 1940 – Storage and handling of flammable and combustible liquids.
- Air quality – The EIS must include an air quality impact assessment, which:
 - Includes consideration of potential impacts to nearby commercial and industrial receptors
 - Is prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2022).
- Consultation – The EIS must be informed by direct consultation with Fairfield City Council regarding the design of the building’s façade.

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. A pro forma declaration can be found in [Appendix B of the Preparing an Environmental Impact Statement Guideline](#).

Lodging your development application (DA)

Once you submit your EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the Environmental Planning and Assessment Regulation 2021.

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 application will need to be accompanied by a Quantity Surveyor’s Report supporting the estimated cost of development for your project. You must ensure that the information in the report is consistent with the information provided in your DA form, the EIS and the Department’s Planning Circular on the [Calculation of capital investment value](#).

If your project involves marinas, extractive industries or any subdivision of land, you must also ensure that your 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.

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 Commonwealth Department of Climate Change, Energy, the Environment and Water to determine if you need approval under the EPBC Act (<https://www.dcceew.gov.au/> or 6274 1111).

Should any referral to the Commonwealth 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 Shaun Williams on (02) 8275 1345 or via email at shaun.williams@planning.nsw.gov.au.

Yours sincerely,



Chris Ritchie
Director
Industry Assessments

as delegate for the Planning Secretary