

Our ref: Waterloo Road Data Centre (ESR Developments) (SSD-59516710)

Ms Grace Macdonald  
NSW Planning Manager  
ESR Developments (Australia) Pty Ltd  
Level 24, 88 Phillip Street  
SYDNEY NSW 2000

28 June 2023

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

Dear Ms Macdonald

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 Waterloo Road Data Centre in Macquarie Park.

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 in addition 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 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
- FM Global Property Loss Prevention Data Sheet 5-32 – Data Centers and Related Facilities
- AS 1940 – Storage and handling of flammable and combustible liquids.
- Statutory and strategic context – The EIS must be accompanied by an assessment of the consistency of the development with the *Macquarie Park Innovation Precinct Place Strategy* and the *Macquarie Park Innovation Precinct Master Plan*, pursuant to section 35 of the EP&A Regulation.
- Nearby residential receivers – The EIS must include an assessment of potential noise, air quality and visual impacts for surrounding receivers including, but not limited to, those dwellings being constructed as part of the ‘Midtown MacPark’ development.
- Consultation – The EIS must be informed by direct consultation with City of Ryde Council regarding:
  - the relationship between the development and the stormwater drainage pipe which traverses the site
  - application of the incentive building height and floor space ratio provisions under the Ryde Local Environmental Plan 2014
  - the design of the building’s façade and Road 19.

### 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](http://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 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 EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the EP&A Regulation.

To minimise delays, please contact the Department at least two weeks before you submit your EIS to confirm the DA fee payment arrangements. This will give us sufficient time to ensure your DA fee can be determined quickly.

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 works 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 and will advise whether hard and/or electronic copies of the DA and EIS will be required for public exhibition.

### 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 an approval under the EPBC Act is required (<https://www.dcceew.gov.au/> or (02) 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 Patrick Copas on (02) 9274 6273 or via email at [patrick.copas@planning.nsw.gov.au](mailto:patrick.copas@planning.nsw.gov.au).

Yours sincerely,



28 June 2023

**Chris Ritchie**

Director

Industry Assessments

as delegate for the Planning Secretary