

Our ref: NextDC S5 Data Centre and Innovation Hub (SSD-63168959)

Mr John Turner
Head of Site Development
NEXTDC Limited
269 Lane Cove Road
MACQUARIE PARK NSW 2113

8 November 2023

Subject: Planning Secretary's Environmental Assessment Requirements

Dear Mr Turner

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the NextDC S5 Data Centre and Innovation Hub (SSD-63168959) at 269 Lane Cove Road, Macquarie Park (Lot 3 DP 1129811).

The SEARs have been prepared in consultation with relevant public authorities (see **Attachment 2**), based on the information you have provided to date. A response from City of Ryde and Ausgrid has not yet been received. A copy of their responses will be provided to you when received.

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

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

If your 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.

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 EP&A Regulation. A pro forma

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

Lodging your development application (DA)

Once you submit your DA and accompanying EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the EP&A Regulation.

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 works for your project. You must ensure that the information in the report is consistent with the information provided in your DA form 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 Quantity Surveyor's 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.

Biodiversity Development Assessment Report

Any development application that is required to be submitted with a Biodiversity Development Assessment Report must use the template available at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-forthe-biodiversity-development-assessment-report-template>

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 (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.

Department of Planning and Environment



If you have any questions, please contact Jeffrey Peng on (02) 9995 6685 or via email at jeffrey.peng@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "C. Ritchie".

Chris Ritchie

Director

Industry Assessments

as delegate for the Planning Secretary