ACT Government
City and Environment

ENVIRONMENTAL SIGNIFICANCE OPINION

An application for an Environmental Significance Opinion (ESO) has been received under section 138 of the *Planning Act 2023* (the Act). In accordance with section 140(4) of the Act, I provide the following environmental significance opinion:

APPLICANT

Canberra Town Planning Pty Ltd, as represented by Divyaraga Gunasekaran, Town Planner.

PROPOSAL DESCRIPTION

The proposed works include the commencement of Stage 2 development on the site and comprise:

- Construction of a three-storey data centre facility (Beard 2) incorporating 12 data halls with a total capacity of 84 MW, including emergency on-site energy generators with a combined capacity of up to 20 MW.
- A proposed future substation with an area of approximately 3,830 m², associated vehicle access from both Tantalum Street and Copper Close, including driveways, car parking, and site landscaping; and earthworks and site servicing required to support the proposed development.

LOCATION

Block 25 Section 11 Beard

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application.

OPINION

Provided the works are undertaken in a manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under section 140(4) of the Act.

- Prior to construction, a site-specific Contaminant Management Plan (CMP) must be prepared by a suitably qualified environmental consultant to manage known contamination at the site.
- The CMP must be reviewed and endorsed by an EPA-accredited site auditor, and Interim Auditor Advice confirming the CMP is appropriate must be provided to the Environment Protection Authority (EPA) before works commence.

- All works must be carried out in accordance with the endorsed CMP and the existing Construction Environmental Management Plan (CEMP) dated 3 May 2023 prepared by AECOM Pty Ltd.
- All spoil generated must be managed in accordance with the EPA Guidelines for Spoil Management in the ACT.
- All soil proposed for off-site disposal must be assessed in accordance with EPA Information Sheet 4 – Requirements for the reuse and disposal of contaminated soil in the ACT.
- No soil is to be disposed of from the site without written approval from the EPA.
- Any petroleum storage and handling must be designed, installed and operated in accordance with the Environment Guidelines for Petroleum Storage in the ACT (June 2019).
- Any self-bunded petroleum storage tank must meet the requirements of Section 2.2.1 of the above guidelines.
- Stormwater runoff from fuel storage, dispensing and other potentially contaminated areas must be directed through an oil–water separator prior to discharge, or to an appropriately sized stormwater quality treatment device, subject to utility approval.
- Where petroleum storage exceeds 50 cubic metres, the lessee/operator must hold an Environmental Authorisation for a Class A activity.
- An Operational Environment Management Plan (EMP) must be prepared and implemented in accordance with Section 6 of the petroleum storage guidelines.
- All construction works must comply with the Environment Protection Guidelines for Construction and Land Development in the ACT (August 2022).
- As the site exceeds 0.3 hectares, the contractor/builder must hold an Environmental Authorisation or Environmental Protection Agreement with the EPA for the Class B activity prior to commencement.
- An Erosion and Sediment Control Plan (ESCP) must be submitted to and endorsed by the EPA before works commence.
- Any amendments to the endorsed ESCP must also be approved by the EPA prior to implementation.
- All erosion and sediment controls must be installed before works commence and maintained until the site is stabilised.
- Adjacent public roads must be kept free of sediment at all times.
- For sites greater than 1 hectare, sediment control ponds must be installed and managed in accordance with EPA requirements, including water quality, storage capacity, dosing, and maintenance criteria.
- Noise from all fixed and temporary plant and equipment, including generators, cooling systems and mechanical plant, must comply with the Environment Protection Regulation 2005 at the site boundary at all times.
- Written confirmation must be obtained from equipment suppliers or installers demonstrating compliance with applicable ACT noise standards prior to installation.
- Prior to operational commencement, the proponent must provide details of expected water use, associated infrastructure, and evidence of engagement with Icon Water.

- The proponent must justify the conclusion that the development will not result in environmentally significant water extraction or consumption, to the satisfaction of the planning authority.
- Emergency on-site energy generators must be designed and operated to manage impacts associated with air emissions, noise, fuel storage, spill risk and fire risk.
- Any future substation must:
- Maintain statutory clearances and comply with ICNIRP electromagnetic field exposure guidelines.
- Comply with ACT noise standards, including installation of acoustic mitigation where required.
- Be designed in accordance with relevant Australian Standards, including AS/NZS 2067 and AS/NZS 7000.
- Early consultation with ACT Emergency Services Agency (ESA) and ACT Fire & Rescue must be undertaken in relation to electrical and fire risks.
- Where applicable, a Bushfire Management Plan must be prepared and implemented.
- Any required biodiversity offsets arising from vegetation removal must be provided in accordance with ACT requirements.

Attached is a Statement of Reasons for the decision.

George Cilliers

Territory Planning Authority

13 May 2026

STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – development proposals requiring environmental impact assessment, being:

Part 1.2 item 23 - proposal involving land included on the register of contaminated sites under the *Environment Protection Act 1997*.

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Territory Planning Authority for an opinion to that effect.

Meaning of *significant* adverse environmental impact – *Planning Act 2023*, section 104

An adverse environmental impact is ***significant*** if—

(a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or

(b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is ***significant***, the following matters must be taken into account:

(a) the kind, size, frequency, intensity, scope and length of time of the impact;

(b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

CONSULTATION WITH ENTITIES

In deciding whether a development proposal is likely to have a significant adverse environmental impact the Territory Planning Authority consulted with entities, in accordance with section 139 (1) of the Act. Entity responses are provided below:

Work health and safety commissioner

The Work Health and Safety Commissioner does not have any comments on the proposed works identified in this application for an Environmental Significance Opinion (reference ESO 202600012).

This response has been provided following a review of those application documents which were provided to WorkSafe ACT by the Impact Assessment unit at 1.58 pm on Monday 23 March 2026, which was carried out in line with subsequent advice received from the Impact Assessment unit at

2.22 pm on Thursday 2 April 2026 identifying the specific sections relevant to the Work Health and Safety Commissioner's considerations.

This response does not take into account any subsequent changes to those documents, nor any other information held by the Impact Assessment unit.

In providing this response, the Work Health and Safety Commissioner is not approving or endorsing any proposed work arrangements or any proposed risk control measures, and nothing in this response affects the safety duties of person who may be involved in carrying out the proposed works under the Work Health and Safety Act 2011.

Environment Protection Authority

EPA would support the preparation of an ESO and provides the following comments:

Contamination

Block 25 Section 11 Beard is subject to compliance with the following Construction Environmental Management Plan (CEMP): "Construction Environmental Management Plan, Block 25, Section 11 – corner of Copper Cl and Nickel St, Beard ACT" dated 03 May 2023 by AECOM Pty Ltd.

A site-specific Contaminant Management Plan (CMP) must be prepared by a suitably qualified environmental consultant to manage the contamination identified (in particular within the blocks in Beard). The CMP must be reviewed and endorsed by the site auditor.

Appropriate Interim Advice from the auditor must be forwarded to the EPA for review and support indicating the CMP is appropriate and adequate for the development and the proposed construction works will not impact on the ongoing assessment and remediation of the site.

All spoil identified at the site must be managed in accordance with EPA Guidelines for Spoil Management in the ACT available at Environment Protection Policies & Guidelines.

All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT available at Contaminated Sites.

No soil is to be disposed from the site without EPA approval.

Fuel Storage

All installation works and operation of the petroleum storage facility must be carried out in accordance with "Environment Guidelines for Petroleum Storage in the ACT, June 2019", available at Environment Protection Policies & Guidelines or by calling 132281.

The installation of a self-bunded petroleum storage tank should meet the requirements set out in Section 2.2.1 of the "Environment Guidelines for Petroleum Storage in the ACT, June 2019" available at Environment Protection Policies & Guidelines or by calling 132281.

Stormwater run-off from the fuel dispensing area, fuel storage area and other areas of the site which have the potential to generate wastewater should be diverted to an oil water separator prior to discharge to the sewer system (subject to approval from the relevant utility) or directed to an appropriately sized stormwater improvement device prior to discharge to the stormwater system.

The storage of more than 50 cubic metres of petroleum products is listed in Schedule 1 as a Class A activity. The lessee/operator of the site must hold an Environmental Authorisation in relation to that activity.

The lessee/site operator must develop and implement an Environment Management Plan (EMP) in accordance with Section 6 (Operational requirements) of the "Environment Guidelines for Petroleum Storage in the ACT, June 2019".

Construction

All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022" available at Environment Protection Policies & Guidelines or by calling 132281.

As the site is greater than 0.3 hectares, the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997.

The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with EPA in respect of that activity prior to works commencing.

An Erosion and Sediment Control Plan (ESCP) must be submitted to and be endorsed by EPA prior to works commencing on site.

Any subsequent changes to the ESCP must be endorsed by EPA prior to implementation.

All sediment and erosion control measures must be in place prior to works commencing and must be maintained until development completion.

Adjacent roads must be swept clean at all times

For sites greater than 1 hectare, sediment control ponds must be incorporated during the construction phase of the development until 85% of the site is stabilised.

Pond construction should be in accordance with the following guidelines:

Be of adequate size to control all runoff from the site.

No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

Water level must never exceed 20% capacity to ensure there is runoff storage during a rain event.

Regular dredging of the dam must be carried out to remove silt.

Noise

Noise from equipment, which is installed permanently or used temporarily during development, including air conditioning units, heat pumps, pool pumps, etc. must comply with the noise standard at the site boundary at all times as per the Environment Protection Regulation 2005.

Please consider the type and location of noise generating equipment prior to installation.

Written assurance should be sought from the supplier/installer of the equipment confirming it complies with the Noise Zone Standard as per the Environment Protection Regulation 2005.

Emergency Services Commissioner

ACTF&R has reviewed ESO- 202600012-25/11 BEARD-PROPOSED DATA CENTRE DEVELOPMENT (BEARD 2and have no comments or objections to the ESO.

All previous advice remains valid and expected of the development application for the proposed Data Centre.

ACTSES has reviewed the subject DA and have no additional comments or objections.

All previous commentary remains valid and expected of this DA.

Technical Regulator

UTR notes data centres can have substantial water consumption, primarily for cooling, even when designed to be water efficient. While the proposal states it does not involve environmentally significant water extraction or consumption, no information is provided on expected water use. This does not reflect typical data centre operations, where water demand can be considerable, and makes it unclear whether the proposal aligns with current expectations for sustainable and efficient water use.

UTR requests that the development proponent provide:

Information on planned water use, required infrastructure and engagement that has occurred with Icon Water

Justification for the assessment that the proposal will not result in 'environmentally significant water extraction or consumption', noting that this information will help to determine whether an EIS is required.

Regarding electrical infrastructure, UTR notes the below may have environmental impacts which will need to be considered; however, there is currently insufficient information provided to assess the environmental impacts of the proposed utility infrastructure. Further information should be provided regarding the following, noting these is overlap with EPA and ESA:

Emergency On Site Energy Generators

Air Emissions – Generator operation may produce air pollutants and greenhouse gases.

Noise – Operation and testing may cause noise impacts on surrounding areas.

Fuel and Chemical Management – Fuel storage and handling present spill and contamination risks.

Fire Risk – Fuel systems and electrical equipment present potential fire hazards.

Proposed Future Substation

Electromagnetic Fields (EMF) – Maintain statutory clearances and comply with ICNIRP exposure guidelines.

Operational Noise – Ongoing equipment such as transformers, inverters etc operation may generate continuous noise affecting nearby communities and wildlife. Install acoustic barriers and comply with ACT noise standards.

Fire Risk – The proponents are required to have early engagement with ESA and ACT Fire and Rescue as electrical faults may result in potential fire under certain conditions.

Vegetation Clearing and Bushfire Risk: Prepare bushfire management plan and biodiversity offsets.

Compliance: Ensure adherence to relevant and applicable Australian Standards such as AS/NZS 2067 (Substation Safety), AS/NZS 7000 (Overhead Line Design).

Director-General of ACT Health

The Health Protection Service (HPS) has reviewed the ESO and associated documentation and notes that the site is listed on the register of contaminated sites under the Environment Protection Act 1997 due to potential contamination in the form of Asbestos Containing Material and petroleum hydrocarbons

The HPS has no public health concerns to raise in relation to this ESO and has no objection in its granting. Thank you again for the opportunity to review and comment on the above ESO.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The proposed Stage 2 data centre development at Block 25 Section 11 Beard is located within an established industrial precinct on land that has been previously disturbed, remediated and partially developed. The key potential environmental impacts identified relate primarily to the site's historical contamination status, with potential risks arising during construction from the disturbance of contaminated soils, asbestos-containing material, groundwater interception, and the handling of hazardous materials and fuels. Additional construction-phase impacts include sediment and erosion affecting stormwater quality, dust and noise emissions, and risks to worker and public health if contaminants are not appropriately managed. These impacts are largely localised, temporary in nature, and associated with earthworks and construction activities rather than long-term operation.

Operational impacts are expected to be limited, given the industrial context of the site and the nature of the proposed development. Referral entities identified potential considerations associated with emergency generators, fuel storage and future electrical infrastructure, including air emissions, noise, spill risk, fire risk and electromagnetic fields. Water use was also identified as a consideration,

noting the potential for data centres to have high operational water demand; however, no environmentally significant water extraction or impacts to waterways, hydrology or groundwater-dependent ecosystems were identified. The proposal does not involve vegetation clearing, heritage impacts, waste treatment, electricity generation for export, or impacts on protected species, ecological communities or conservation areas, and therefore does not trigger additional Schedule 1 matters requiring an EIS.

With the implementation of standard and site-specific mitigation measures—including an EPA-endorsed Contaminant Management Plan, Construction Environmental Management Plan, erosion and sediment controls, spoil and waste management procedures, noise compliance, and regulatory approvals for fuel storage and construction activities—the identified impacts can be appropriately managed. Multiple agencies, including EPA, Health Protection Service, ACT Fire & Rescue, ACTSES, WHS and heritage authorities, raised no objections subject to conditions and confirmed that previous advice remains valid. On this basis and noting a previous ESO granted for the site with no change in risk profile, the proposal is not considered likely to result in a significant adverse environmental impact and can proceed without the need for an Environmental Impact Statement, subject to appropriate conditions and ongoing regulatory oversight.

It has been demonstrated that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.