



Mr Bruce Zhang  
Senior Environmental Assessment Officer  
Department of Planning, Housing and Infrastructure  
4 Parramatta Square, 12 Darcy Street  
PARRAMATTA NSW 2150

1 February 2024

Dear Mr Zhang

I refer to the email of 12 December 2023 requesting advice from the Environment and Heritage (EHG) on the Environmental Impact Statement (EIS) for the Honeman Close Data Centre proposal (SSD-58601963).

Please be advised that from 1 January 2024 the former EHG is known as Biodiversity, Conservation and Science Group (BCS) as part of the NSW Department of Climate Change, Energy, the Environment and Water. All future requests relating to Major Projects must be referred to BCS via the Major Projects Portal (select 'Biodiversity Conservation Division' from the drop down menu).

BCS has reviewed the Biodiversity Development Assessment Report (BDAR) and the Flood Risk and Impact Assessment supporting the EIS and provides the following advice in relation to the biodiversity assessment. BCS has no flood risk assessment comments.

BCS considers the BDAR is not compliant with the requirements of the [Biodiversity Assessment Method 2020](#) (BAM) as it lacks adequate consideration of the full extent of impacts to native vegetation and Biodiversity Values across the Subject Land and as such does not provide the details necessary to be able to draw conclusions in relation to biodiversity impacts. In addition, the BDAR fails to adequately consider and apply the avoidance requirements detailed in section 7 of the BAM in relation to the biodiversity impacts proposed beyond the existing approved development consent area.

BCS highlights the following issues with the BDAR:

- The BAM credit summary report is dated 9 May 2023. It is unclear whether the submission date is compliant with section 6.15 of the *Biodiversity Conservation Act 2016*, which requires the BDAR to be submitted within 14 days of submission of the application.
- This review has been undertaken without access to GIS files, as these have not been provided.
- This review has been undertaken without access to the case in the BAM-Calculator (BAM-C). To allow BSC to view the case, the assessor must add BCD as a case party (consent authority member) in the parent case and then 'submit to consent authority'. In this matter, the relevant BCD team is 'Greater Sydney – Compliance and Regulation'.
- There appears to be discrepancies between the area considered subject to the application within the BDAR and the area shown in the civil works plans (Appendix A8). There are trees shown in blue on the civil plans, some of which occur within areas to be built on with the legend identifying these as 'existing trees to be retained'. The ability to

retain these trees in the scope of the civils works should be verified and the demarcation of the Subject Land amended depending on the results. Additionally, a small portion of ground works are proposed in the north west portion of the site which does not appear to be accounted for in mapped areas of direct impacts within the BDAR.

- The extent of the Subject Land is unclear given impacts beyond the footprint of the building works reported within the BDAR. Table 10.1 describes direct and indirect impacts as a risk to retained vegetation on the site. While there are mitigation measures proposed to assist to reduce the risk to these areas, the risk is not totally managed and the reduction in the resilience of the site from further clearance should be addressed. In this regard, the extent of the Subject Land, as defined in the BAM, is likely to be an underestimation given the full extent of impacts from the proposal have not been accounted for in terms of the risks to areas outside of the direct construction footprint.
- The number and type of ecosystem credit species and species credit species may be underestimated given the accuracy and extent of impacts reported in the BDAR and the discrepancies between the civil works plans and the BDAR mapping.
- Inadequate justification has been provided as to why the additional impacts to the 0.34ha of native vegetation is unable to be avoided in the design of the data centre. The design has included a reduction on the extent of the building and an increase in its height. If this has been a viable option to reduce the extent of the impacts to native vegetation, the BDAR should provide justification as to why further reduction in the extent of the impact cannot be provided to avoid further impacts to native vegetation beyond the current consent area.
- The BDAR has not provided adequate information in relation to the extent and type of impacts on any SAI entities present on the Subject Land.
- Only areas of direct impacts have been used to calculate offsets. The calculation of offsets for indirect impacts could be considered in accordance with section 8.6 of the BAM.
- The 'development site' has been defined as the area of impact (development footprint) plus an additional area of a 100m buffer around the development footprint and includes only areas of direct impacts. The mapping of direct impacts does not appear to have incorporated any additional buffer area, however, direct impacts have included trampling during construction which is likely to occur outside of the construction footprint. Direct impacts have been calculated as an area totalling 0.34ha. The calculation of the credit obligation for the proposal is likely to be an underestimate given the inconsistencies with the civil works mapping, the underestimation of impacts outside of the construction footprint from construction activities and ongoing use of the land and the lack of the incorporation of a buffer around the construction footprint which the BDAR has specified has been incorporated into the definition of direct impacts.

BCS also notes the statement in the BDAR introduction that the '*proposed Data Centre is generally consistent with the aims and objectives of the approved VMP although it recognised that it would reduce the area of conservation from 1.11 ha to 0.78 ha. This has been further addressed in Section 10.8.*' In addition to updating the VMP in accordance with the revised extent of works, BCS advises that if the SSD application is further progressed, the proposed offset obligations would need to be updated in accordance with any modified proposal.

Please contact Richard Bonner, Senior Conservation Planning Officer, by email at [richard.bonner@environment.nsw.gov.au](mailto:richard.bonner@environment.nsw.gov.au) should you have any queries regarding this advice.

Yours sincerely



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**Greater Sydney Branch**  
**Biodiversity, Conservation and Science Group**