Department of Climate Change, Energy, the Environment and Water

Your ref: SSD-63168959
Our ref: DOC25/1017635

Jeffrey Peng
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

12 December 2025

Subject: CPHR advice – Response to Submissions - NEXTDC S5 Data Centre and Innovation Hub (SSD-63168959)

Dear Jeffrey,

Thank you for your correspondence received 24 November 2025 seeking comments from the Conservation Programs, Heritage and Regulation (CPHR) Group regarding the Response to Submissions for the NEXTDC S5 Data Centre and Innovation Hub (SSD-63168959) at 269 Lane Cove Road, Macquarie Park.

CPHR has reviewed the *Submissions and Amendment Report NEXTDC S5 Data Centre and Innovation Hub 269 Lane Cove Road, Macquarie Park (SSD-63168959)* and accompanying technical reports and provides comments at Attachment A.

Should you have any queries regarding this matter, please contact the Greater Sydney Planning Team at rog.gsrplanning@environment.nsw.gov.au.

Yours sincerely

Louisa Clark

Director Greater Sydney
Regional Delivery
Conservation Programs, Heritage and Regulation

CPHR advice – Response to Submissions - NEXTDC S5 Data Centre and Innovation Hub (SSD-63168959)

In providing the advice below, CPHR has reviewed the following documents:

- *Submissions and Amendment Report NextDC S5 Data Centre and Innovation Hub* (Urbis, 21 November 2025)
- *NextDC S5 Data Centre Small Area Biodiversity Development Assessment Report* (Ecological, 10 October 2025) (BDAR)
- *Arboricultural Impact Assessment Proposed Data Centre* (CPS, 9 October 2025) (AIA)
- *Flood Impact Assessment Report NextDC S5 Data Centre* (TWW, 10 October 2025) (FIA)
- Civil Design Plans (marked Not for Construction) (TWW, undated).

Biodiversity

Key Assessment Issues

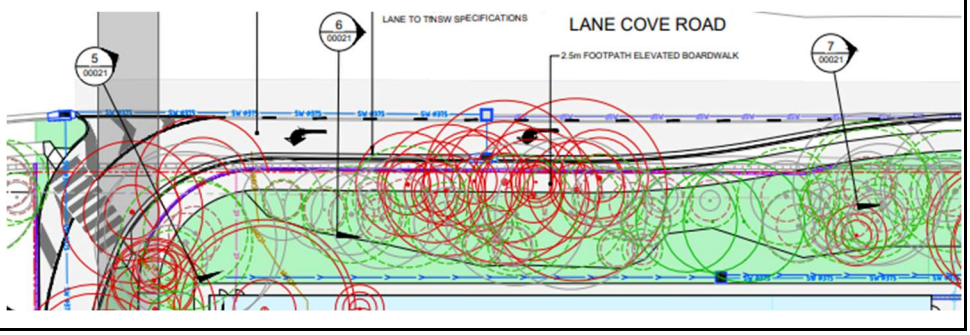
1	BDAR - access to digital files	No digital files relevant for the BDAR have been provided, as required under the Biodiversity Assessment Method 2020 (BAM). In addition, access to the BAM-Calculator (BAM-C) has not been provided. **Recommended action** The BAM assessor must submit the BDAR case to the consent authority (Greater Sydney – Compliance & Regulation) via the Biodiversity Offsets and Agreement Management System (BOAMS). All required digital files are to be uploaded to the case in BOAMS. Appendix L – Table 27 of the BAM lists the digital files that are to be provided.
	Extent and Timing	Pre-determination

2	BDAR – offset requirements	The updated BDAR acknowledges that the long-term viability of the 0.1ha patch of Sydney Turpentine Ironbark Forest (STIF) to be retained is unknown and as a result has assumed complete loss of remnant vegetation in the BAM-C. This approach is supported by CPHR. However, the BDAR is unclear as the BAM credit summary report in Appendix F contains two different outputs, one requiring 11 credits and another requiring 15 credits. In addition, the BDAR is inconsistent with the assumption of complete loss. Sections 7.9, 7.12 and the conclusion currently state that 11 credits are required to be offset, rather than 15. These sections need to be updated to reflect offsetting of all STIF vegetation. **Recommended action** Update the BDAR to ensure consistency throughout, clearly reflecting that 0.41 ha of STIF is to be offset and that 15 credits are required to be retired.
	Extent and Timing	Pre-determination

3.	Adequacy of the AIA	The AIA does not include a tree protection plan (TPP) and notes that such a plan would be prepared at a later stage. CPHR does not support this approach as it does not demonstrate how trees will be viably

		retained. Tree protection specifications, including a TPP should be provided for review. **Recommended action** Provide an updated AIA that includes a new section titled “Tree Protection Specifications” that clearly outlines tree- and site-specific protection measures, prepared in accordance with Sections 1.3.21 and 2.2.6 of AS 4970–2025. Generic measures are not acceptable. The tree protection specifications must also include a TPP in accordance with Sections 1.3.20 and 2.2.6 of AS 4970–2025.
	Extent and Timing	Pre-determination

4.	Adequacy of the AIA	The AIA proposes to remove several trees located on neighbouring land along the south-western boundary. This is not supported.  **Recommended action** • Amend the plans in consultation with the consulting arborist to enable the viable retention of all neighbouring trees in line with AS 4970–2025. • Provide an updated AIA that demonstrates how neighbouring trees will be viably retained.
	Extent and Timing	Pre-determination

5.	Adequacy of tree retention	Consideration is to be given to relocate the elevated footpath away from trees that form part of the threatened ecological community (TEC) to increase tree retention. 

		Recommended action • Amend the plans in consultation with the consulting arborist to enable additional TEC trees to be retained viably in line with AS 4970–2025. • Provide an updated AIA that demonstrates how additional TEC trees will be viably retained. • If the relocation of the boardwalk is not feasible, provide a justification.
	Extent and Timing	Pre-determination

Flooding

Key Assessment Issue

1.	Flood risk	The FIA shows that the subject site is not flood affected in the 1% Annual Exceedance Probability or the Probable Maximum Flood (PMF). The FIA notes that the roads adjoining the site are subject to flooding and currently no water enters the site due to landscaping and road access profiles. The civil engineering drawings show that the proposed development will be cut in below existing levels on site with retaining walls along boundaries. The FIA indicates that proposed landscaping and roadway ramp levels will be required to prevent road water from impacting the development consistent with current site levels, however no design levels for the proposed roads and landscaping have been provided. **Recommended action** Include a condition of consent requiring that, prior to construction, detailed design plans be prepared to demonstrate the following: • the proposed ramp and landscaping will prevent road water from entering the development • internal road levels and drainage will protect building entries and the basement from water ingress.
	Extent and Timing	Pre-determination – condition of consent

End of Submission