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PARRAMATTA NSW 2150

23/04/2026

Subject: CPHR Advice – Environmental Impact Statement – Project Mars Data Centre (SSD- 82052708) (Lane Cove)

Dear Patrick,

Thank you for your email received on 26 March 2026 requesting advice from the Conservation Programs, Heritage and Regulation (CPHR) Group of the Department of Climate Change, Energy, the Environment and Water on the Project Mars Data Centre (SSD-82052708) (Lane Cove).

CPHR has reviewed the *Project Mars Data Centre – 12 Mars Road, Lane Cove West Environmental Impact Statement* (Urbis, March, 2026) and supporting studies and provides its comments at **Attachment A**. In summary,

Biodiversity

- The *Biodiversity Development Assessment Report (Small Area) SSD82052708 Data Centre 12 Mars Road, Lane Cove West* (SLR Consulting Australia, 3 October 2025) (BDAR) has excluded *Genoplesium baueri* (*Bauer's Midge Orchid*) and *Rhizanthella slateri* (Eastern Australian Underground Orchid) based on the microhabitats being degraded. Additional justification is required for the exclusion of these two species. If reasonable justification cannot be provided, then surveys should be undertaken in accordance with the methodology listed in the Threatened Biodiversity Data Collection (TBDC). If surveys cannot be conducted, assume presence and prepare a Serious and Irreversible Impact (SAIL) assessment for both species, or engage with a species expert to prepare an Expert Report.
- Confirmation is required on the date the BDAR was submitted to DPHI and whether the timing complies with the statutory timeframes outlined in section 6.15 of the *Biodiversity Conservation Act, 2016* (BC Act).
- The Arboricultural Impact Assessment (AIA) needs to be updated to include a Tree Protection Plan and Tree Protection Specification (TPS) that have been prepared in accordance with *Australian Standard AS 4970:2025 – Protection of Trees on Development Sites*, which outlines the tree and site-specific protection measures needed to retain the trees.

- The plans need to be updated to clearly show all the tree protection measures recommended in the AIA.

Flooding

- The Flood Impact and Risk Assessment (FIRA) should be updated to provide sufficient information to determine if the site is impacted by overland flooding, for the full range of flood events including the PMF. If it is determined that the site is affected by overland flooding, development should be designed appropriately.

If you have any further questions about this issue, please direct them to the Central Metropolitan Planning Team Mailbox at rog.gsrplanning@environment.nsw.gov.au.

Yours sincerely



Susan Harrison
**Senior Team Leader, Central Metropolitan
Conservation Planning and Assessment
Conservation Programs, Heritage and Regulation**

CPHR Advice – Environmental Impact Statement – Project Mars Data Centre (SSD- 82052708) (Lane Cove)

Documents Reviewed

In preparing this advice, CPHR has reviewed the following documents:

- *Project Mars Data Centre – 12 Mars Road, Lane Cove West Environmental Impact Statement (Urbis, 17 March 2026) [EIS]*
- *Civil Engineering Package* (BG&E Engineering, 10 April 2025)
- *Architectural Designs* (HDR, 3 December 2025)
- *Biodiversity Development Assessment Report (Small Area) SSD82052708 Data Centre 12 Mars Road, Lane Cove West* (SLR Consulting Australia, 3 October 2025) [BDAR]
- *Landscape Plans* (Oculus, 17 February 2025)
- *Landscape Report* (Oculus, 15 July 2025)
- *Arboricultural Impact Assessment (Civica ArborSafe, 5 December 2025) [AIA]*
- *Project Mars Data Centre 12 Mars Road Lane Cove West Flood Impact and Risk Assessment Version B* (BG&E, September 2025) [FIRA].

Key Assessment Issues

Biodiversity

1.	<i>Insufficient evidence to exclude some candidate species</i>	The Biodiversity Development Assessment Report (BDAR) has excluded <i>Genoplesium baueri</i> (<i>Bauer's Midge Orchid</i>) and <i>Rhizanthella slateri</i> (Eastern Australian Underground Orchid) based on the fact that microhabitats are degraded. CPHR considers that this justification is not adequate. NSW BioNet records of <i>Genoplesium baueri</i> occur within Lane Cove National Park and congeners of this species are known to occupy disturbed habitats such as track edges. In addition, suitable habitat for <i>Rhizanthella slateri</i> includes distinct leaf litter patches, which may be less than 1m across. These patches can be constrained by adjacent boulders or water bodies, as often observed within riparian zones. Given the high cover of litter within the Biodiversity Assessment Method (BAM) plot data (84%) there is potential for this species to occur within the Subject Land. Recommended action: • Provide additional justification for the exclusion of <i>Genoplesium baueri</i> and <i>Rhizanthella slateri</i>. • If reasonable justification cannot be provided, then surveys should be undertaken in accordance with the methodology listed in the Threatened Biodiversity Data Collection (TBDC). Note, for <i>Rhizanthella slateri</i> it is likely that young spikes will be detectable by July. If surveys are to be undertaken, the DCCEEW Biodiversity Offset Scheme (BOS) helpdesk should be contacted for advice on survey methodology and timing. • If surveys cannot be conducted, assume presence and prepare a Serious and Irreversible Impact (SAII) assessment for both species. Alternatively, engage with a species expert to prepare an Expert Report.
	<i>Extent and Timing</i>	Pre-determination
2.	Confirm that the BDAR	The BDAR was certified and the Biodiversity Assessment Method Calculator (BAM-C) case was finalised on 3 October 2025, while the date on the Environmental Impact Statement is 17 March 2026. CPHR

	certification is valid	is not aware of the date that the BDAR was submitted to DPHI, however if it has been recently submitted then there is likely to have been a non-compliance with section 6.15 of the <i>Biodiversity Conservation Act, 2016</i> (BC Act), which requires that a BDAR must be submitted to the decision maker within 14 days of finalisation. Recommended action: DPHI to confirm that the date of submission of the BDAR is compliant with s6.15 of the BC Act.
	<i>Extent and Timing</i>	Pre-determination

3.	<i>Adequacy of the Arboricultural Impact Assessment (AIA)</i>	A number of trees will experience major encroachment (>20% Tree Root Zone (TRZ)/Notional Root Zone (NRZ), including the high retention value trees 31 and 95 (35.9 and 23.4%, respectively), and trees 94, 147-152, 154, 164, 178, 201, 204, 261, and 271. However, there are no site-specific tree protection measures in the AIA to ensure retention. Recommended action: - Update the AIA to include a Tree Protection Plan and Tree Protection Specification (TPS) prepared in accordance with Australian Standard AS 4970:2025 – Protection of Trees on Development Sites, which clearly outline the tree and site-specific protection measures needed to retain the trees. Generic measures are not acceptable. - If it is found that the trees cannot be viably retained, the BDAR may need to be updated.
	<i>Extent and Timing</i>	Pre-determination

4.	<i>Plans reflecting AIA requirements</i>	The AIA specifies a number of measures intended to assist in the viable retention of trees, but these measures are not reflected in the plans. Recommended action: All measures specified in the AIA are to be clearly shown on relevant plans, including, but not limited to the recommendations outlined in Section 7.3 of the AIA which include construction of the concrete truck entrance (avoiding excavation within the TPZ), hand and/or light weight machinery removal of stairs, construction of permeable path of eastern boundary without construction machinery, and so on.
	<i>Extent and Timing</i>	Pre-construction

Flooding

5.	<i>Insufficient flood information available to determine if site is impacted by overland flooding</i>	Lane Cove Council has not made any flood information publicly available and has advised the applicant in its email dated 19 December 2024 that <i>Council cannot guarantee that the property will never be affected by overland flows.</i> The FIRA assumptions are based on Lane Cove Council's advice and
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		has not provided sufficient information to confirm that the site is not impacted by overland flooding. Recommended action: • Update the FIRA to confirm that the site is not impacted by overland flooding for the full range of flood events, including the PMF. • If it is determined that the site is affected by overland flooding, ensure development is designed appropriately.
	<i>Extent and Timing</i>	Pre-determination

End of Submission