



Shaun Williams
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Parramatta NSW 2150

4 June 2024

Subject: Request for Secretary's Environmental Assessment Requirements (SEARs) for Marsden Park Data Centre (SSD-70889211)

Dear Shaun,

Thank you for your email received 17 May 2024 requesting input on SEARs for the Marsden Park Data Centre (SSD-70889211) from the Biodiversity, Conservation and Science (BCS) Group of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW).

BCS has reviewed the Scoping Report prepared by Mecone (dated 15 May 2024) and the Architectural Plans prepared by EJE Architecture (dated 4 April 2024) and recommends that the proponent address the requirements below and at Attachment A.

Flood risk management

The site is not impacted by the Hawkesbury Nepean regional backwater. Blacktown City Council's Eastern Creek Flood Study (prepared by Catchment Simulation Solutions) shows a small portion of the site at the south-eastern border of 113 Hollinsworth Road is inundated by shallow depth from a tributary of Eastern Creek in the probable maximum flood (PMF). BCS notes that the architectural plans show that a vegetation visual buffer is proposed in this area of the site.

Accordingly, BCS does not provide any additional flood risk management requirements.

Biodiversity

The area of the site proposed for development is predominantly located on land certified under the Order to confer biodiversity certification on the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

However, at the southern end of the site a small portion of land is identified as excluded land under the *Order to Confer strategic biodiversity certification – The Cumberland Plain Conservation Plan (CPCP)*.

BCS recommends that the EIS identifies the certified and non-certified excluded land within the site and demonstrates consistency with the *Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the *Order to Confer strategic biodiversity certification – The Cumberland Plain Conservation Plan*.

Any proposed development located on non-certified excluded land would require the submission of a Biodiversity Development Assessment Report prepared in accordance with the *Biodiversity Conservation Act 2016*.

The Biodiversity Development Assessment Report (BDAR) requirements under point (1) of Attachment A, must meet the minimum information and spatial data requirements set out in Tables 24 and 25 of the Biodiversity Assessment Method (BAM), and as required more broadly by the revised BAM 2020. Other requirements, such as those relating to the BAM Calculator and Biodiversity Offsets and Agreements Management System (BOAMS), are detailed in various guidelines, practice notes, updates and other advice issued by EHG to BAM accredited assessors.

Should a waiver to the requirement for a BDAR be sought for the non-certified land, all works proposed under the SSD would need to be considered. It must be clearly demonstrated that the proposed development is not likely to have any significant impact on biodiversity values.

Any request for a BDAR waiver is to include the information requirements set out in Tables 1 and 2 of the DPIE guidelines on How to apply for a biodiversity development assessment report waiver for a Major Project Application. The proponent can find further information on the BDAR waiver process on the Department's Biodiversity development assessment report waiver webpage.

Should you have any queries regarding this matter, please contact Theo Wilkinson, Senior Conservation Planning Officer via theo.wilkinson@environment.nsw.gov.au.

Yours sincerely,



Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Biodiversity Conservation and Science Group

**BCS Environmental Assessment Requirements
Marsden Park Data Centre (SSD-70889211)**

Biodiversity
<ol style="list-style-type: none"> 1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method 2020, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations). 2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method 2020. 3. The BDAR must include details of the measures proposed to address the offset obligation as follows: <ul style="list-style-type: none"> • The total number and classes of biodiversity credits required to be retired for the development/project. • The number and classes of like-for-like biodiversity credits proposed to be retired. • The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules. • Any proposal to fund a biodiversity conservation action. • Any proposal to conduct ecological rehabilitation (if a mining project). • Any proposal to make a payment to the Biodiversity Conservation Fund. <p>If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.</p> 4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per the BAM. 5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.
Water and soils
<ol style="list-style-type: none"> 6. The EIS must map the following features relevant to water and soils including: <ul style="list-style-type: none"> • Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map). • Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method). • Wetlands as described in s4.2 of the Biodiversity Assessment Method. • Groundwater. • Groundwater dependent ecosystems. • Proposed intake and discharge locations. 7. The EIS must describe background conditions for any water resource likely to be affected by the development, including: <ul style="list-style-type: none"> • Existing surface and groundwater. • Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.

- Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
- Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government.
- Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions <http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning>

8. The EIS must assess the impact of the development on hydrology, including:

- Water balance including quantity, quality and source.
- Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
- Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
- Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
- Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
- Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
- Identification of proposed monitoring of hydrological attributes.

End of Submission