

Our ref: SSD-63741210

Mr Travis Lythall
Associate Director
Urbis Pty Ltd
123 Pitt Street
Sydney NSW 2000

Email: tlythall@urbis.com.au

29 February 2024

Subject: Request to waive requirement to prepare a Biodiversity Development Assessment Report – NEXTDC Data Centre Horsley Park – SSD-63741210

Dear Mr Lythall

I refer to your correspondence received on 1 February 2024 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the State significant development (SSD) application for the NEXTDC data centre at Horsley Park.

Description of the proposed development

Construction and operation of a 250 megawatt (MW) data centre, as described in the BDAR waiver application prepared by Narla Environmental Pty Ltd and dated 31 January 2024.

BDAR waiver determination

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act):

“Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on the biodiversity values”.

The delegate of the Environment Agency Head of the Department of Climate Change, Energy, the Environment and Water (DCCEEW) has considered the waiver request and is satisfied the proposed development is not likely to have any significant impact on biodiversity values. Accordingly, the delegate has granted a waiver in a letter dated 21 February 2024.

As delegate of the Secretary of the Department of Planning, Housing and Infrastructure (the Department), I have considered the waiver request and determination of DCCEEW and determined the proposed development as described above, is not likely to have any significant impacts on biodiversity values (see determination attached dated 28 February 2024). Therefore, a BDAR is not required to accompany any application for development consent for the proposed development.

If there are any amendments to the proposed development, a fresh request for a BDAR waiver determination will be required or a BDAR may need to be prepared.

While a BDAR is not required for the proposed development, an assessment of the proposal’s biodiversity impacts in accordance with the Planning Secretary’s Environmental Assessment Requirements issued for the SSD application on 23 October 2023, is still required.

Should you have any further enquiries, please contact Shaun Williams, Senior Environmental Assessment Officer, Industry Assessments, at the Department on (02) 8275 1345 or shaun.williams@planning.nsw.gov.au.

Yours sincerely,



Joanna Bakopanos
Team Leader
Industry Assessments

As delegate of the Planning Secretary

Enclosed:

Attachment	Title
1	Determination, Department of Planning, Housing and Infrastructure
2	Determination, Department of Climate Change, Energy, the Environment and Water

Determination under section 7.9(2) of the Biodiversity Conservation Act 2016

I, Joanna Bakopanos, Team Leader, Industry Assessments, of the Department of Planning, Housing and Infrastructure, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report (BDAR) is not required.

Proposed development means the construction and operation of a data centre as described in the BDAR waiver application prepared by Narla Environmental Pty Ltd and dated 31 January 2024.

If the proposed development changes so that it is no longer consistent with this description, you must either prepare a BDAR or lodge a new request to have the BDAR requirements waived.



28 February 2024

Joanna Bakopanos
Team Leader
Industry Assessments
Development Assessment and Infrastructure Group
Department of Planning, Housing and Infrastructure
(as delegate of the Planning Secretary)

Date

Determination under section 7.9(2) of the Biodiversity Conservation Act 2016

I, Louisa Clark, Director Greater Sydney, of the Department of Climate Change, Energy, the Environment and Water, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, consider that the proposed development is not likely to have any significant impact on biodiversity values. Therefore, a Biodiversity Development Assessment Report is not required.

Proposed development means the development as described in DOC24/93612 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



21/02/2024

Louisa Clark
Director
Greater Sydney
Biodiversity, Conservation and Science

Date