



Project Echidna

Biodiversity Development Assessment Report Waiver Request

Final | 18 August 2022

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 288255

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1. Introduction

The proposed development site is located on the north-eastern intersection of 10 Eastern Creek Drive and Old Wallgrove Road, Eastern Creek in New South Wales (NSW) (Lot 4001, DP1243178). The proposal area encompasses approximately 5.69 hectares (ha) in size and is located 40km west of the Sydney Central Business District (CBD) (the site) (Figure 1).

The Eastern Creek Precinct Plan is the primary development control plan that applies to the site and provides controls that relate to the proposal and development within Eastern Creek Employment area. Since SEPP 59 has been repealed as of 2021, Part 2, Section 2.18 of the State Environmental Planning Policy (Industry and Employment) 2021 consents that new developments can be prepared within precinct plans previously prepared under SEPP 59. The subject site is identified within the State Environmental Planning Policy (Industry and Employment) 2021 (formerly the State Environmental Planning Policy (Western Sydney Employment Area) 2009). The SEPP is therefore the primary Environmental Planning Instrument (EPI) applicable to the site and prevails over any other EPI where any inconsistency occurs. The site is zoned IN1 General Industrial under this SEPP. Data storage facilities are permitted in this zone as per the Transport and Infrastructure SEPP. Broadly, the surrounding areas are zoned IN1 and include industrial and commercial facilities on the east, west and southern boundaries. Approximately 250 metres south-west of the site is an electricity substation and switchyard, zoned Electricity Transmission and Distribution (SP2).

A previous development application (DA) (SPP-19-00013) was approved on site for the industrial development of a Detailed Design Stage 1 and a Concept Design Approval. The Concept Design Approval included an outline for Stage 2, which is the subject site. During preliminary site investigations, the site was fenced and undergoing bulk earthworks to facilitate suitable site levelling for future building. There are several trees located on the southern boundary of the site, however these are located on Lot 23 DP 1202129 and are not included within the footprint of the proposal. Furthermore, this sparse vegetation is situated adjacent to a stormwater drain. The southern boundary also contains active public and transport links along Old Wallgrove Road, including one bus stop and a cycleway/walkway.

The proposal involves the construction of a two-storey data centre comprising of data halls, mechanical and electrical equipment rooms, offices, data hall space and supporting plantrooms, and supporting administrative spaces incorporating secure entry facilities, loading dock, storage, staff offices, common areas and amenities (Figure 3).

The proposal has been identified as a State Significant Development (SSD) by meeting the thresholds defined under Schedule 1, Clause 25 of the State Environmental Planning Policy (Planning Systems) 2021.

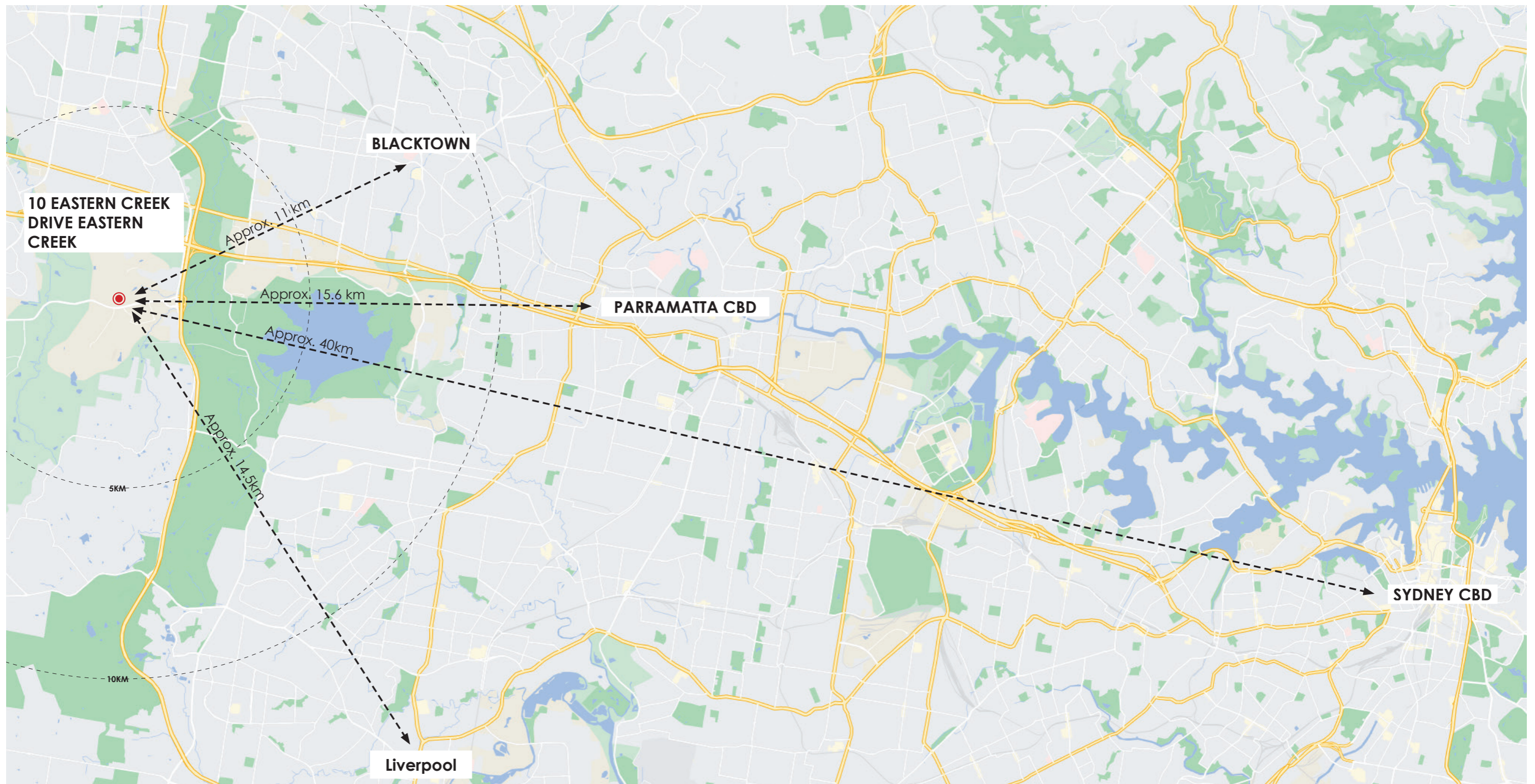
As described in Table 2, the proposal is in a highly modified and previously cleared environment with no remaining vegetation within the proposal footprint. Vegetation within the region is severely limited because of the industrial nature. The closest vegetation consisting of minimal planted amenity trees on the southern border of the site along Old Wallgrove Road.

As there is no vegetation remaining onsite, no inspection has been carried out onsite as part of this Biodiversity Development Assessment Report (BDAR) Waiver request. However, due to previous clearing and earthworks already having undertaken, impacts to any biodiversity are considered highly unlikely. As such, the proponent requests that the requirement for a Biodiversity

Development Assessment Report (BDAR) be formally waived as per section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) on the basis that the proposal would:

- Not impact any native plant communities
- Not result in any threatened species impacts due to a lack of suitable habitat
- Not result in the removal of any vegetation

The intention is to assess the proposal's limited biodiversity impacts in the Environmental Impact Statement, currently under development by Arup.



The adjacent image indicates the plot proximity to key locations in Sydney.

The site address is:

10 EASTERN CREEK DRIVE EASTERN CREEK

The plot areas are outlined below:

14.04 acres; 56.850 m²

Note: All areas approximate. Areas obtained from Six Maps.
Image Source: Google Maps

CONCEPT DRAWINGS ONLY, SUBJECT TO AUTHORITY / CONSULTANT APPROVAL

2. BDAR Waiver Request – Proposal Information

Table 1 provides relevant information in relation to the proposal and the BDAR Waiver Request.

Table 1- BDAR waiver request information requirements

Information	Details
Administration	<p>Proponent and contact details Arup Australia Pty Ltd Chris Fay, Chris.Fay@arup.com</p>
	<p>Project Name Project Echidna</p>
	<p>Biodiversity Values Assessor Heather Duff – Ecologist, Bachelor of Science (Hons) Geology & Bachelor of Science (Majors: Botany, Ecology and Geology). Elijah Elias (Reviewer) – Senior Ecologist, Bachelor of Biodiversity and Conservation, Macquarie University NSW (2014), Accredited NSW Biodiversity Assessment Method Assessor (BAAS21012) (2021)</p>
Site Details	<p>Street address 10 Eastern Creek Drive Eastern Creek New South Wales 2766</p>
	<p>Involved Lots and DPs Lot 4001, DP1243178</p>
	<p>Local Government Area (LGA) Blacktown City Council Local Government Area</p>
	<p>Description of existing development site The proposal will be carried out on a site within an industrial area that has previously undergone approved earthworks and vegetation clearance.</p>
Proposed Development	<p>Proposal Description The proposal is defined as the construction of a data centre, including:</p> <ul style="list-style-type: none"> - Offices - Support spaces - Plant equipment rooms - Electricity rooms - Mech galleries - Data halls

Information	Details
	<p>The proposal will be carried out in one stage. See Figure 3 for the site masterplan.</p> <p>Proposed Site Plan</p> <p>The works will be undertaken within the lot boundaries, bound by Eastern Creek Avenue in the west and Old Wallgrove Road to the south. Refer to Figure 2 for the site boundary.</p>
Impacts to Biodiversity	Refer to Table 2 below with BDAR waiver requirements.



EASTERN CREEK DRIVE

OLD WALL GROVE ROAD

MASTERPLAN AREA SCHEDULE

TOTAL SITE AREA	56,800 m ²
TOTAL SITE AREA exc. SUBSTATION	51,915 m ²

DEVELOPMENT

DA APPROVED BUILDING UNDERCONSTRUCTION (excl. GENERATOR YARD&MV ROOM)	9,225 m ²
FUTURE SUBSTATION (TBC)	4,885 m ²
DA APPROVED BUILDING 1A	563 m ²
Total	14,673 m²

LANDSCAPE

DA APPROVED LANDSCAPE	5,462 m ²
PROPOSED LANDSCAPE	657 m ²
Total	6,119 m²

LEGEND

-  DEVELOPMENT
-  DA APPROVED KERB LINE & PEDESTRIAL PATH
-  DA APPROVED ROAD & CARPARKS
-  DA APPROVED LANDSCAPE
-  PROPOSED LANDSCAPE

*LANDSCAPE ON THIS DRAWING IS CONCEPT ONLY FOR DETAILED DESIGN PLEASE REFER TO LANDSCAPE DRAWING SET.

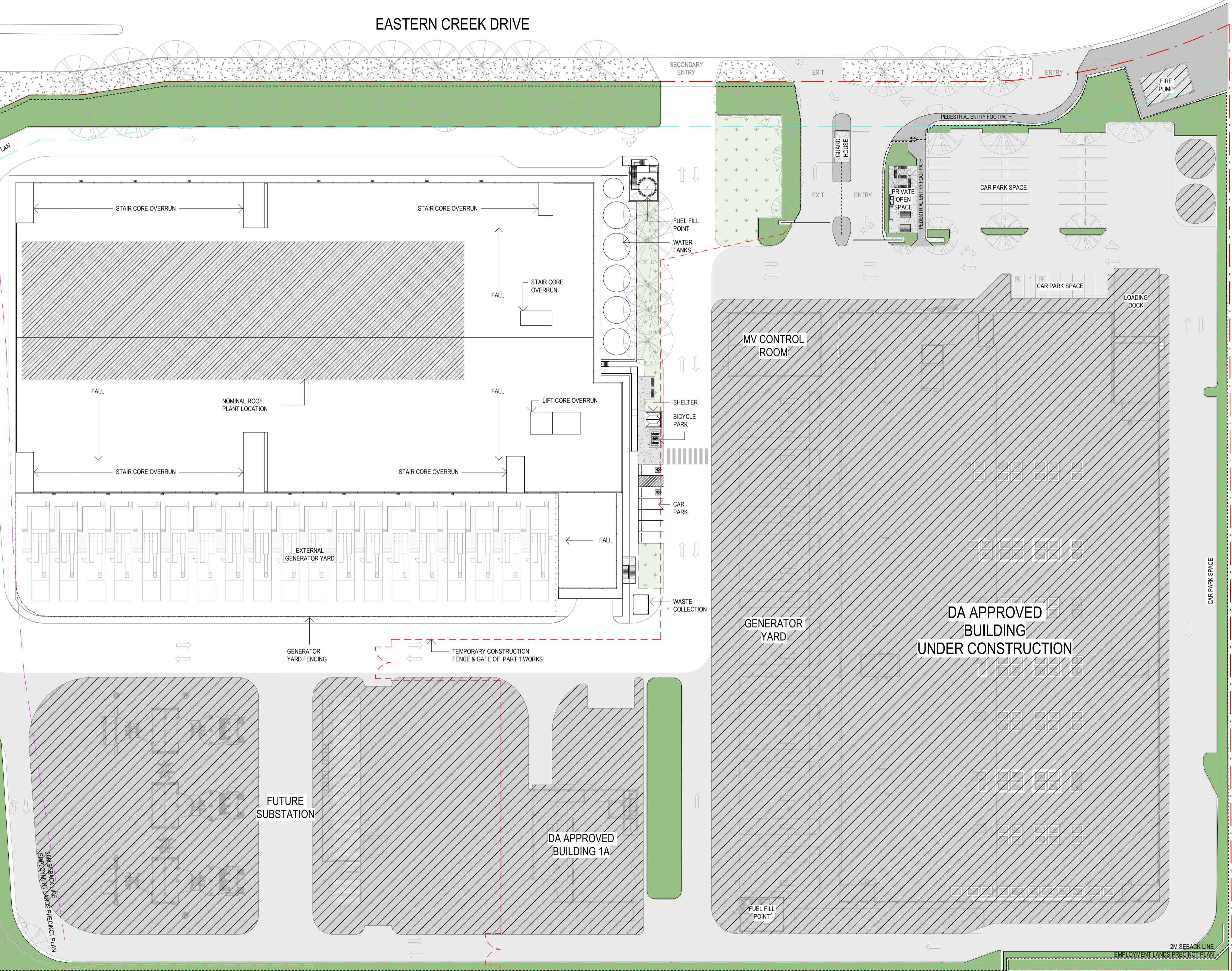


Table 2 - BDAR Waiver Requirements

Biodiversity Value	Meaning	Potential Impacts
Vegetation abundance – 1.4(b) Biodiversity Conservation Regulation 2017 (BC Regulation)	Occurrence and abundance of vegetation at a particular site	<p>The site has previously been cleared of vegetation and approved for earthworks under a previous Development Application (DA) (application number DA-18-00938). The earthworks have been undertaken and no vegetation remains. Therefore, a site visit was not completed and not necessary as part of the assessment process.</p> <p>The nearest vegetation is situated along the southern site boundary, located between the fence line and the pedestrian / cyclist paths along Old Wallgrove Road. The vegetation between a main road and construction site is associated with a constructed drainage channel and is comprised of native landscape species, minimal regrowth, and exotic grasses. Important to note, this vegetation is contained within Lot 23/DP1206129 and is not associated with this Proposal nor contained within the development footprint, and therefore will not be directly impacted by the proposal. Any impacts will be restricted to indirect noise, vibration, or dust during construction times.</p> <p>In summary, as no vegetation is present within the proposal area, no vegetation will be removed or directly impacted by this development and the proposal is not considered likely to have a significant impact on vegetation abundance.</p>
Vegetation integrity 1.5(2a) BC Act	Degree to which the composition, structure, and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state	<p>Vegetation is not currently present within the site because earthworks have previously commenced. Therefore, there can be no similarity between the vegetation on this site to the near natural state that would have existed.</p> <p>In addition, there are no native vegetation patches adjacent to the site boundaries as they are bordered by roadways, building, and vacant cleared land.</p> <p>It is noted that the small patch of vegetation is present adjacent to the southern site boundary. This may contain native flora or fauna and will be subject to indirect impacts such as noise, vibration, and dust during construction. However, due to the proximity to the recently upgraded Old Wallgrove Road and placement adjacent to a drain that may undergo maintenance, this highly disturbed and modified vegetation also would not resemble its near natural state.</p> <p>Due to the absence of vegetation, it is highly unlikely the proposal will have a significant impact on vegetation integrity.</p>
Habitat suitability 1.5(2b) BC Act	Degree to which the habitat needs of threatened	As no vegetation is present onsite, the proposal provides little to no habitat value for threatened species in the context of the wider locality. The closest vegetation that may provide roosting or foraging habitat for threatened species is located approximately 200 meters west of site in the form of

Biodiversity Value	Meaning	Potential Impacts
	species are present at a particular site	<p>patchy remnant and regrowth vegetation and 700 metres south-east of the site boundary at Reedy Creek (refer to Figure 2). Reedy Creek remains heavily vegetated and would act as a corridor for species accessing the Western Sydney Parklands or remnant vegetation within Horsley Park. As the proposal site is devoid of vegetation and the surrounded land use is heavily disturbed, it is unlikely species utilize the site for foraging or breeding habitat.</p> <p>It is noted that the sparse vegetation on the southern border may provide general foraging habitat for transient species. However, as this is not contained within the construction footprint, it will not be lost. Disturbance to this vegetation will be restricted to indirect noise, vibration and dust impacts during construction. As there is suitable habitat within the region (Reedy Creek), it is likely that transient species will utilize these areas preferentially during times of increased disturbance.</p> <p>The proposal is not likely to have a significant impact on habitat suitability due to the absence of vegetation.</p>
Threatened species abundance 1.4(a) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	<p>The site has previously been cleared of all vegetation and earthworks have been undertaken. For this reason, the site is not considered to provide habitat for any threatened ecological communities or threatened species.</p> <p>It is noted that the presence of microbats is possible in the adjacent properties where sheds and buildings exist. However, as the area is largely industrial, already subject to high disturbance and provide little to no foraging habitat in the surrounding areas, it is unlikely that microbats use these structures for roosting or long-term occupancy.</p> <p>The proposal is not likely to have a significant impact on threatened species abundance.</p>
Habitat connectivity 1.4(c) BC Regulation	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species	<p>Due to the absence of vegetation onsite, the highly disturbed nature of the adjoining properties and surrounding industrial facilities, it is unlikely that this site is facilitating the movement of threatened species.</p> <p>It is noted that while the site has not been previously mapped on the Biodiversity Values Map (BV Map) (OEH, 2022) (Appendix A), there is vegetation to the south-west of the boundary at the intersection of Old Wallgrove Road and Roberts Road that has been mapped as containing Biodiversity Value. Although the proposal site is separated from this vegetation by the four-lane road, it is possible that transient species like birds could travel this distance. If fauna are using the site as a corridor to access the BV mapped vegetation or nearby Reedy Creek, the existing road traffic and frequent truck movements are likely discouraging the fauna from nesting or permanently using the vegetation. The indirect impacts from construction are not likely to increase disturbance. In addition,</p>

Biodiversity Value	Meaning	Potential Impacts
	across their range	<p>the vegetation does not provide substantial habitat compared to the size of regional vegetation, therefore fauna will likely use alternate areas with more habitat value to move through the region.</p> <p>The proposal is not likely to have a significant impact on habitat connectivity.</p>
Threatened species movement 1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	<p>Due to the absence of vegetation, the site provides no foraging or dispersal habitat that contributes to the movement of any threatened species to maintain their lifecycle.</p> <p>The proposal is not likely to have a significant impact on threatened species movement.</p>
Flight Path integrity 1.4 (e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	<p>It is possible that threatened species would fly over the site whilst moving within their home range. This is most likely the case for threatened microbats, raptors, woodland birds and potentially forest owls. However, the site is in an already modified landscape comprised of industrial units. The proposal does not include any additional infrastructure that would increase interference with the flight path of any protected animals.</p> <p>The proposal is not likely to have a significant impact on flight path integrity.</p>
Water sustainability 1.4 (f) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	<p>There are no waterbodies within the proposal footprint. The proposal will not have a significant impact on water quality, waterbodies, or hydrological processes.</p>

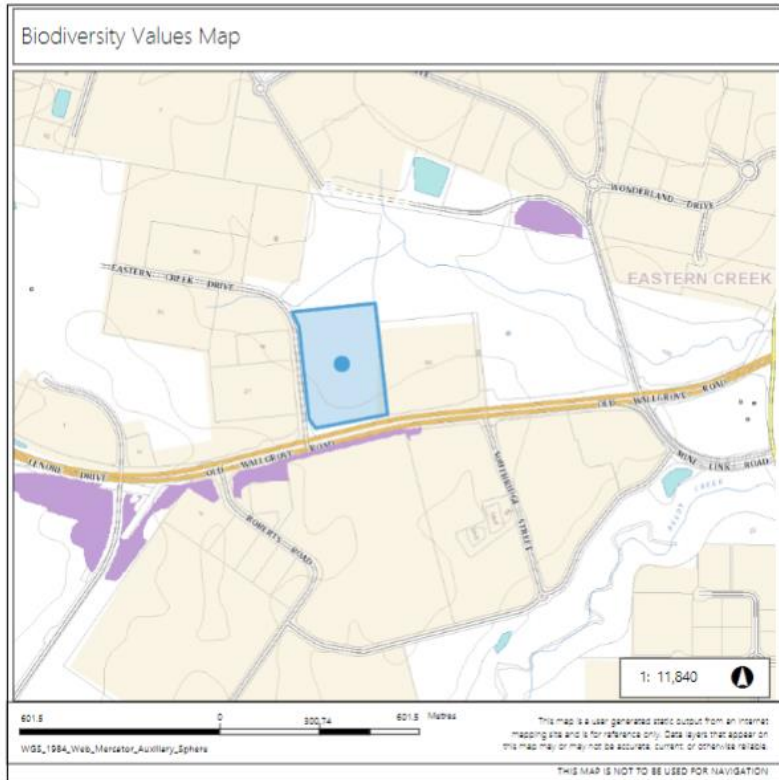
3. Conclusion

The proposal is situated on a site that earthworks has been undertaken and therefore contains no vegetation. The closest vegetation to the site is south of the proposal footprint, between the recently upgraded Old Wallgrove Road and the fence line. This vegetation occurs outside the proposal area and will only be impacted indirectly by noise, vibrations, and dust during construction.

Due to the absence of vegetation and commenced earthworks, there are no threatened species that may be present onsite. Should fauna be able to access the vegetation south of the site, due to the sparsity of vegetation they are likely to be attracted to more favourable foraging locations locally including Reedy Creek, where denser vegetation would provide better quality foraging habitat.

Overall, there is no indication that the proposal would have any material or significant biodiversity impact, which is the purpose of progressing with a BDAR waiver request. Accordingly, in accordance with Section 7.9 of the BC Act, it is reasonable that the impacts could be assessed within the wider EIS. Therefore, it is reasonable to request a waiver for the BDAR requirements, as the proposal is consistent with the provisions of Section 7.9(2) of the BC Act.

Appendix A – Biodiversity Map (BV Map)



Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

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