Project Name: Lockwood Road Data Centre
SSI/SSD Application Number: SSD-19908771
Proponent: Digital Erskine Park 4 LCC
Date request received: 23 March 2022

Biodiversity value	Meaning	Relevant (✓or NA)	Potential impacts	
			Applicant comment/justification	Environment and Heritage comment
Vegetation abundance 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	✓	Figures 2.2 to 2.5 show the site conditions. Much of the land is covered with poor quality 'weedy' pasture and of little ecological value compared with the adjacent donated lands on the adjacent lot (Lot 102, DP 128632). There are some trees on the development site as figures 2.1 to 2.5 show. However, they are individual trees or in small, widely separated copses. By contrast the adjacent lot has a much higher number of trees/ha. There are at least double the number of trees/ha in lot 102, DP 128632, compared with the lot subject of this report. Lot 102, DP 128632 was specifically donated by Fitzpatrick Estate to 'compensate' for loss of ecological values from the industrial development area. Placing the development in the proposed lot avoids impacts on vegetation because there is minimal vegetation within the development foot print.	Contrary to the consultant's assessment, the site appears from recent imagery (see App 1) to have no trees or native vegetation remaining. Therefore, it can be concluded the abundance of vegetation at the site is very low.
Vegetation integrity 1.5(2)(a) 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	✓	The subject lot has low biodiversity. For example, both the number of trees and the number of species is low compared with the donated lot: The donated lot has at least 10 tree species on it. The subject lot has only 2 or 3 species. Some of the lack of variety in species is due to the distance from the watercourse. Typically, vegetation species change relatively rapidly from watercourse, reflecting rapid change in water availability. Species diversity is typically higher in the riparian lands than in terrestrial areas. In the current situation, this lack of biodiversity is compounded by earlier use of the site as farmland until between 1985 and 2004. Figure 2.6 shows the area in 1985. There is a farm and outbuildings to the west of the subject area. Tree population along Ropes Creek is relatively sparce. Since that time there have been extensive plantings. This increase in tree number can be seen by comparing figure 2.3 and 2.6.	It can be concluded there is no vegetation on site in a natural state.

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Habitat suitability 1.5(2)(b) BC Act 6.1(1)(a) BC Regulation	Degree to which the habitat needs of threatened species are present at a particular site	✓	In 2021, the habitat value of the subject site (lot 101), is low compared to the adjacent donated lot (lot 102). Figure 2.3 shows: • Few trees • Large 'gaps' between individual trees and copes and surrounding trees. • These gaps create extremely exposed areas where small animals would be a highly visible target for birds of prey. Additionally, the subject lot had been used as low intensity pasture for decades as figure 2.1 shows. The main difference in the past 35 years has been increased habitat biodiversity abundance in the adjacent donated lot compared with the subject lot. This is the result of a series of successful tree and shrub plantings. That is, there is an obvious, and very marked difference in ecological value now between Lot 101 and 102.	It can be concluded the site is unlikely to provide habitat for any threatened species
Threatened species abundance 1.4(a) and 6.1(1)(f) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	✓	The trees on Lot 101 are in a highly fragmented array, providing minimal habitat compared with the adjacent 're-constituted' Cumberland Plain Woodland in lot 102. The subject lot has been dominated by poor quality pasture for up to 120 years. The strategic decision by Fitzpatrick to exclude lot 102 from future development plus enhancement planting of the lot means that there has been a real net gain in ecological values for the area. In particular, the reservation of lot 102 means that there is increased continuity of native vegetation along the drainage line. That is there is now an ecologically valuable corridor and a series of niches suitable for colonizing by endangered species. • There is no human made structures on lot 101 (apart from boundary fences), so there are no impacts on threatened species that have acclimatized to man-made structures that will now need to be demolished. • There are a lot of weeds in the pasture. However they do not provide significant food or shelter to endangered native fauna. For example, there are no blackberry or lantana that can provide shelter. • There are no natural or artificial water bodies on site. So, no evidence of threatened species such as the green and bolden bell frog.	Given lack of vegetation, it can be concluded that threatened species are unlikely to occur on site

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Habitat connectivity 1.4(a) and 6.1(1)(f) BC Regulations	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	✓	The subject site is on the far floodplain of Ropes Creek. Habitat corridors are more effective if they are associated with valuable natural resources such as streamlines. The relinquishment 21 of lot 102 and its subsequent vegetation enhancement has created valuable continuity along the waterbody. This approach is better than simply trying to keep some of the scattered trees on lot 101.	The site does not provide habitat connectivity.
Threatened species movement 1.4(d) BC Act 6.1(1)(c) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	✓	The concentration of development in lot 101 and the vegetation enhancement in lot 102 has created opportunities for increased movement of threatened species. As a general rule, the habitat value of corridors increases with increasing width. So, the conversion of much of lot 102 from pasture to a woodland has increased the habitat value of this area. Importantly it has markedly increased the connectivity along the local watercourses.	The proposal is unlikely to impact threatened species movement.
Flight path integrity 1.4(e) BC Act 6.1(1)(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	✓	The lot 101 vegetation consists of isolated eucalypts and weed infested grassland. It is poor habitat compared with the rich biodiversity found in lot 102. Lot 102 has a range of young (largely planted), and mature trees. Lot 102 habitat ranges from open water, to vegetated riparian zones to Cumberland Plain Woodland. Migratory shore birds such as Latham's snipe (*Gallinago hardwickii)* are likely users of the lot 102 habitats. Lot 102 provides a mixture of habitats in a corridor which is over 100 m wide and up to several hundred m from the proposed building on lot 101. It is therefore unlikely that flight paths of migratory birds will be impacted by the building on the adjacent lot. The proposed building will be 24 m high. The construction and ancillary area footprint will cover much of lot 101. So, the avifauna species within lot 101 is likely to change from the few magpies (Cracticus tibicen) in the isolated eucalypts, to more urban birds such as the Common Myna *(Sturnus tristis).* Planting of bird friendly shrubs and short trees in the car parks and building surrounds is recommended.	The proposal is unlikely to impact the flight paths of any species.
Water sustainability 1.4(f) and	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened		Lot 101 contains no surface water as figures 2.3 and 2.4 show. It is part of the far floodplain of local watercourses, but the vegetation is definitely terrestrial and typical Cumberland Plain Woodland species. This suggests minimal interaction with the surface waters. By contrast, the donated lot 102 contains a permanent	The proposal is unlikely to impact water sustainability.

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6.1(1)(d) BC Regulation	ecological communities at a particular site.		watercourse as well as a series of ponds. These ponds are designed to manage peak flows and water quality from major roads and developments to the north and east. The ponds also provide habitat for aquatic avifauna, especially ducks and moor hens. It is expected that increasing imperviousness in the Ropes Creek Catchment will markedly increase peak flow and also increase total volumes of stormwater each year, however it is noted that Council approved a stormwater management system for the subdivision is servicing 3 potential future commercial sites with the subject development site being 1 of the 3 sites. On Site Detention and water quality Artificial Water Body has been provided within the Environmental Conservation Area (E3 Zone) and is designed in accordance with Penrith Council Stormwater Management Policy (refer Penrith City Council DA/0817). The Stormwater Management Report by Enspire dated 1st November 2021 assumed 85% of the development site is impervious for modeling. The project's Civil Engineer has calculated the site's impervious area to be 78.5%. Therefore it is considered no additional runoff will be generated in comparison to what Council has approved. Keeping at least 40 m of vegetated riparian zone on either side of the creek is critical to reducing the impact of development on the ecological values of the watercourse.	

Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
    - o determines that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required
    - ~~o determines that, based on the information provided, it cannot be concluded that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~

S Burke

30/03/2022

Sarah Burke **Date**

Senior Team Leader, Compliance & Regulation, Greater Sydney Branch
Environment and Heritage

Decision

I, Louisa Clark, Acting Director Greater Sydney, of the Department of Planning and Environment, having reviewed this report and the documents attached to it:

A. **determine** under section 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in DOC22/240318 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required

~~B. **determine** that, based on the information provided, it cannot be concluded that the proposed development as described in DOC22/240318 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~

Louisa Clark **Date**

Acting Director Greater Sydney Branch
Environment and Heritage

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

I, Louisa Clark, Acting Director Greater Sydney, of the Department of Planning and Environment, 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 is not required.

Proposed development means the development as described in DOC22/240318 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

4/04/2022

Louisa Clark
Acting Director
Greater Sydney
Environment and Heritage

Date

SCHEDULE 1 – Description of the proposed development

The proposed development is for the construction of an industrial building for use as a Data Centre.

Figure 1: The subject site and proposed development

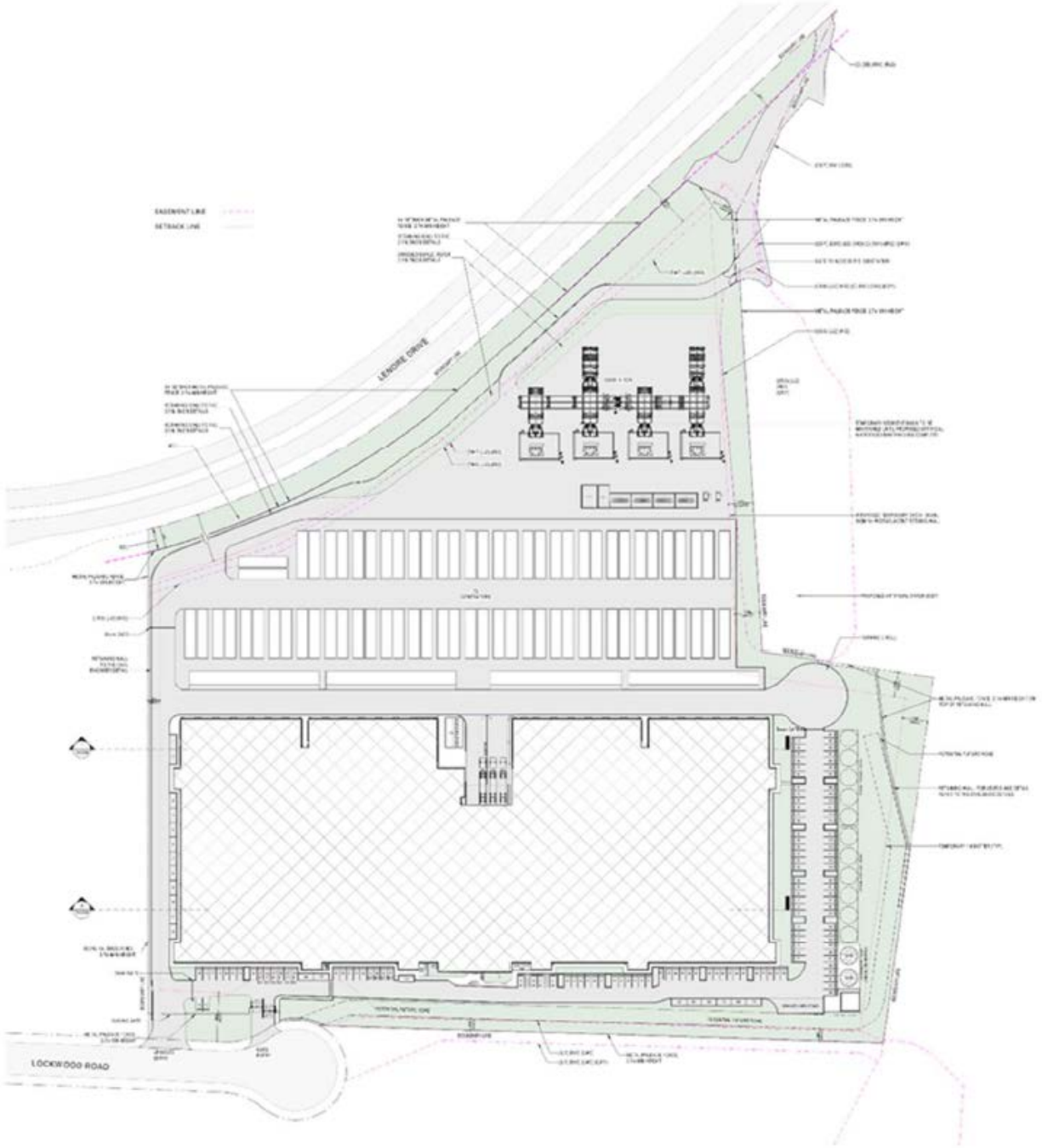

Figure 2: recent aerial imagery of the site