Appendix G

BDAR waiver request and approval

Macquarie Park Data Centre

The Trust Company Limited as trustee for as custodian for Stockland Trust Management Limited as trustee for Advance Property Fund

01-Oct-2020

BDAR Waiver Request

Macquarie Park Data Centre

BDAR Waiver Request

Client: The Trust Company Limited as trustee for as custodian for Stockland Trust Management Limited as trustee for Advance Property Fund

Co No.: 004 02 749

Prepared by

AECOM Australia Pty Ltd
Level 21, 420 George Street, Sydney NSW 2000, PO Box Q410, QVB Post Office NSW 1230, Australia
T +61 2 8934 0000 F +61 2 8934 0001 www.aecom.com
ABN 20 093 846 925

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Quality Information

Document	BDAR Waiver Request
Date	01-Oct-2020
Proponent name	The Trust Company Limited as trustee for as custodian for Stockland Trust Management Limited as trustee for Advance Property Fund
Nominated contact	Frank Ianni
Prepared by	Jamie McMahon (B Env Sc, CEnvP IA specialist)

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1.0 BDAR Waiver request

1.1 Introduction

The Project involves the construction and operation of a data centre. The built form of the Project would be a five-storey building up to 45 metres in height. The Project would be undertaken on the southeastern portion of land legally designated as Lot 1 in DP 633221, local address 11-17 Khartoum Road and 33-39 Talavera Road, Macquarie Park (the Site). The Site is located in the suburb of Macquarie Park, which is part of the City of Ryde Local Government Area (LGA). Key elements of the Project would include:

- Ancillary offices and staff amenities
- Car parking
- Loading doc
- Security guard house
- New vehicular access
- Service infrastructure
- Diesel backup generators
- Landscaping
- A new access road between 11-17 Khartoum Road and 1-5 Khartoum Road (Road 22)
- Earthworks.

The project is proposed by The Trust Company Limited as trustee for as custodian for Stockland Trust Management Limited as trustee for Advance Property Fund (Stockland).

As part of the secretary's environmental assessment requirements (SEARs) for the Project a biodiversity development assessment report (BDAR) was requested. Given the highly urbanised nature of the site Stockland requests that the requirement for a BDAR be formally waived as per section 7.9(2) of the *Biodiversity Conservation Act 2016*, on the basis that the Project:

- Will remove only isolated landscaping trees with no native understorey
- Will not result in adverse impacts on threatened species or ecological communities
- Will not affect any areas designated as coastal wetland under *State Environmental Planning Policy (Coastal Wetlands) 2018*
- Is not identified as having biodiversity values in the Biodiversity Values Map, and
- Will not result in adverse impacts upon adjacent waterways
- Will retain existing canopy vegetation along the Talavera Road frontage, made up of *Angophora costata*, *Eucalyptus microcorys* and *Corymbia maculata*.

Despite this, biodiversity impacts associated with the proposal have been assessed in the body of the Project's EIS. This assessments considers the relevant extent of potential impacts associated with the construction and operation of the Project and provides suitable measures to mitigate impacts. On this basis, biodiversity impacts associated with the Project are considered to be adequately managed and would not be significant.

1.2 Project information

Table 1 BDAR Waiver request information requirements

	BDAR Waiver request information requirements
Proponent name	The Trust Company Limited as custodian for Stockland Trust Management Limited as trustee for Advance Property Fund
Project Name	Macquarie Park Data Centre
Name and Ecological qualifications of person completing	Jamie McMahon - Bachelor of Environmental Science (Hons) Biological Sciences - 19 years' experience in ecological impact assessment and ecological assessment - Certified Environmental Practitioner – Impact Assessment Specialist No. 1003
Site street address, Lot and DP, local government area	11-17 Khartoum Road and 33-39 Talavera Road, Macquarie Park, City of Ryde
Description of existing development site	Office and warehouse buildings with associated at-grade car parking
Location map showing the development site in the context of surrounding areas and landscape features	Refer to Figure 1. Refer to Figure 3 to Figure 6 for site context photographs.
Site Map	Refer to Figure 1
Project Description	The proposed development is the construction and operation of a Data Centre. This includes Site preparation works, bulk earthworks and infrastructure, and for the construction of the building, ancillary facilities and associated Site works for the use of a data centre. The data centre would be a five storey building with associated at-grade parking and vehicle circulation space. Key elements would include: • Earthworks, excavation and retaining walls • Construction of the main building and façade • Ancillary offices and staff amenities • Car parking • Loading dock • Security guard house • New vehicular access • Service infrastructure • Mechanical and electrical infrastructure • Cooling and air conditioning • Diesel backup generators • Landscaping The Project would also include the construction of Road 22, as per City of Ryde's Macquarie park DCP. The data centre will include eighteen diesel generators and approximately 360,000 litres of diesel storage in underground tanks.

	BDAR Waiver request information requirements
Proposed Site Plan.	Refer to Figure 1
Site photos	See below

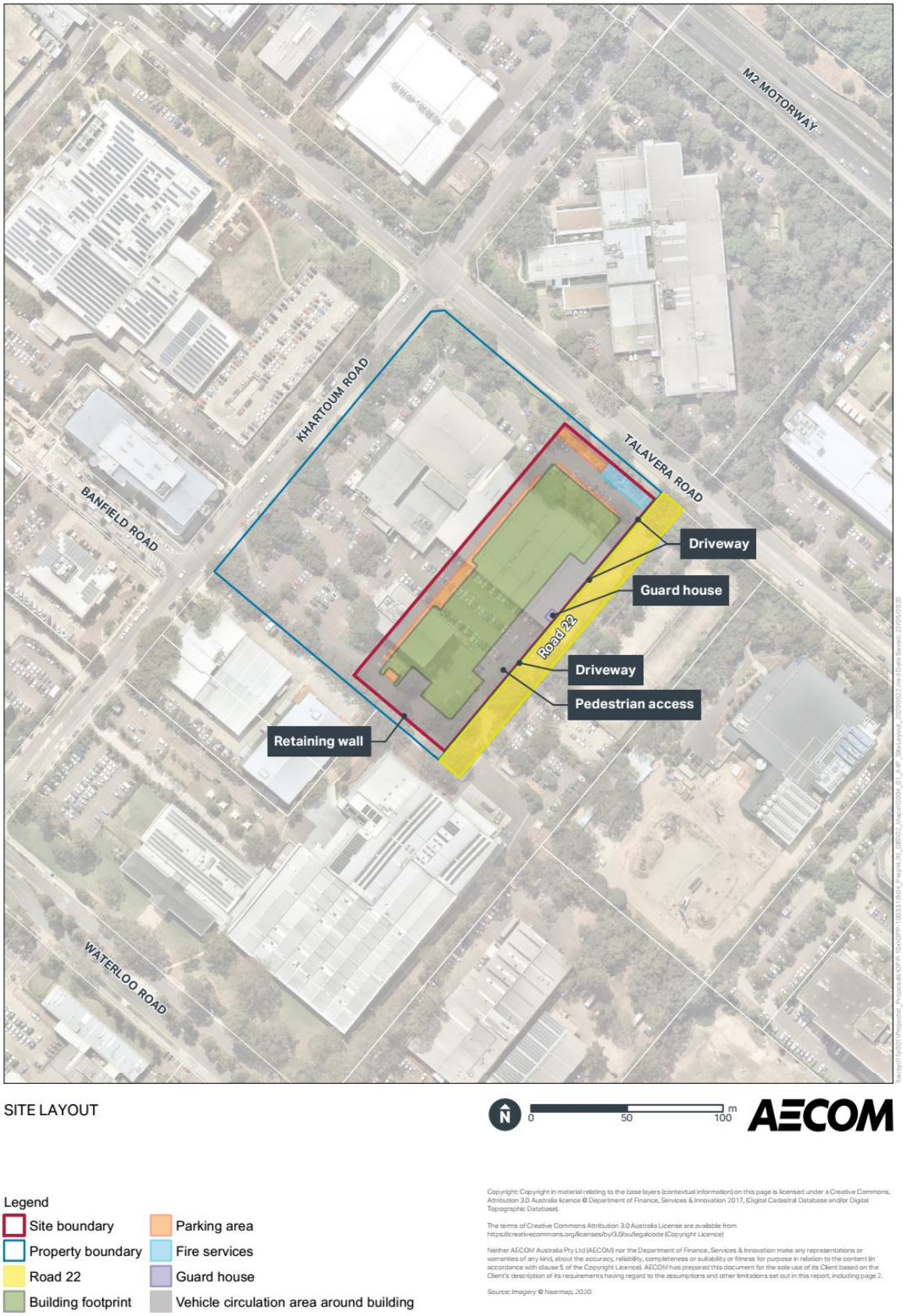


Figure 1 Site plan

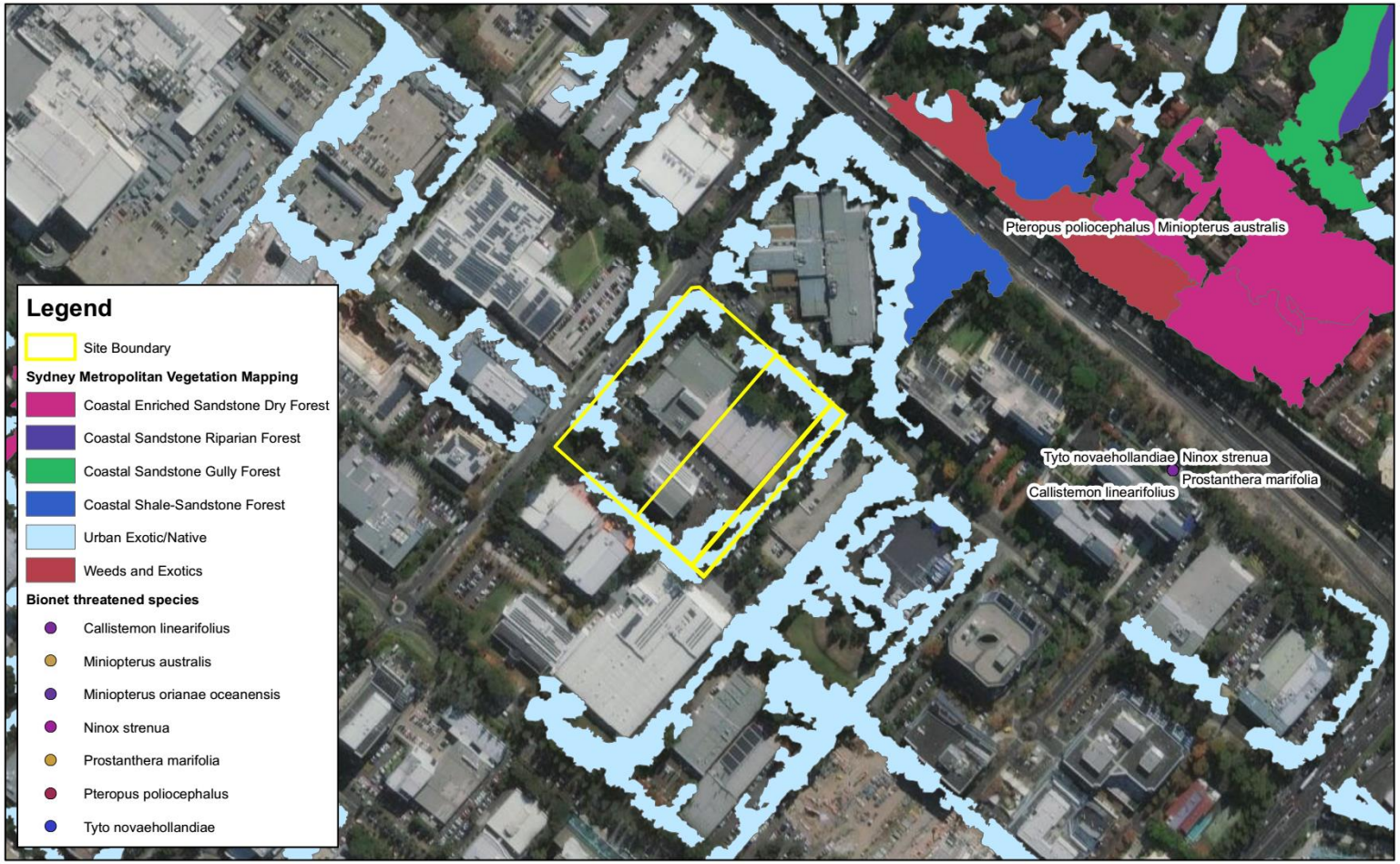


Figure 2 Vegetation communities and threatened species records

1.3 Site context

Refer to Figure 3 to Figure 6 for photographs showing the context of the site. These photographs show various views within the Site. Figures 3 and 4 show the existing building and landscaping within the Site, while Figures 5 and 6 show existing landscaping vegetation and weeds in other parts of the Site.

Figure 3 View from the northeastern corner of the Site looking along the southern boundary (future location of road 22)

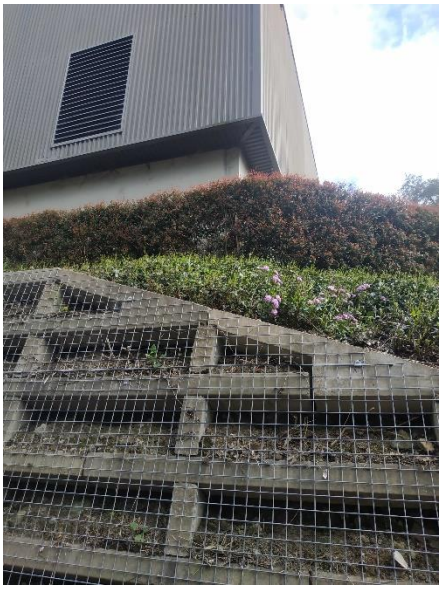


Figure 4 View of building to be demolished showing lack of cracks and crevices

Figure 5 View looking northeast long southern boundary (future location of road 22)

Figure 6 View facing northwest from the southwestern corner of the Site

Table 2 Impacts of the proposed development on biodiversity values

Biodiversity value	Meaning	Relevant (Yes or NA)	Explain and document potential impacts including additional impacts prescribed under the *Biodiversity Conservation Regulation 2017* (BC Regulation)*
Vegetation abundance 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	N/A	The Project will be undertaken in a highly urbanised area with a long history of agricultural and commercial and development. There is no remnant native vegetation present within the proposed development footprint, with all vegetation being the product of landscaping for the commercial offices and warehouses present. The nearest recognised NSW plant community type (PCT), Coastal Shale-Sandstone Forest, is located approximately 100 metres to the northeast, within another commercial property on the other side of Talavera Road. This vegetation would not be affected by the proposed development. Landscaping vegetation within the Project area includes a range of native and exotic vegetation, including *Angophora costata*, *Eucalyptus microcorys*, *Nandina* sp, *Doryanthes excelsa*, *Casuarina glauca*, *Corymbia maculata*. Weeds are generally not present due to the high degree of landscape maintenance undertaken at regular intervals. It should be noted that canopy vegetation along the immediate frontage with Talavera Road, made up of *Angophora costata*, *Eucalyptus microcorys* and *Corymbia maculata* individuals, will be retained as part of the development.
Vegetation integrity 1.5(2)(a) *Biodiversity Conservation Act 2016* (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	N/A	The vegetation within and surrounding the Project area is mapped as urban exotic/native (refer to Figure 2), and has been extensively modified by urban development over the past 150+ years. This includes significant earthworks associated with this and other commercial sites, roads, buildings and other urban infrastructure. The composition and structure of the main body of the site retains very little similarity, if any, with the vegetation that would have originally occupied the Project area or region. The Project would remove a small area of landscaping species occupying the core of the Site, including *Angophoras*, *Eucalypts*, *Corymbias* and *Casuarinas*, as well as a range of other native and exotic landscaping species. The removal of this vegetation is partially dictated by City of Ryde Council's Macquarie Park DCP, which designates the location of Road 22 and which is being constructed as part of the Project. The location of Road 22, and by extension the removal of this vegetation, has also been approved as part of the M-Park concept development application under which the Project would be developed. While the value of this vegetation within the broader urban context is recognised, the functional structure of this vegetation is poor and its loss is not likely lead to any substantial biodiversity impacts. It should be noted that the *Angophoras*, *Eucalypts* and *Corymbias* along the Talavera Road frontage will be retained. The design of the proposal has been amended several times, with the proponent going to lengths to ensure the preservation of these trees and their ongoing contribution to the urban canopy and the streetscape.

Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	N/A	Bionet data indicates the historic presence of seven threatened species within the vicinity of the development. These species, and the date of the most recent is as follows: • *Tyto novaehollandiae* (Masked owl) – 1976* • *Ninox strenua* (Powerful owl) – 2016* • *Miniopterus australis* (Little bent-wing bat) – 2018 • *Miniopterus orianae orianae* (Large bent-wing bat) – 2016 • *Pteropus poliocephalus* (Grey-headed flying-fox) – 2018 • *Prostanthera marifolia* (Seaforth mintbush) – 1903* • *Callistemon linearis* (Narrow-leaved Bottlebrush) – 2008* It should be noted that the specific location of the species marked with an asterisk are given only to the nearest 1.2 km grid within Bionet results so as to deter specimen hunters. For this reason all individual records are located in the one place on Bionet though would actually have occurred somewhere within a radius of approximately 600 m of the location shown. An inspection of the site confirmed that the site does not accommodate either of the two threatened flora species. There is the potential that the threatened microbats and megabats may utilise the site for foraging, though this could also be said for any other commercial or residential property with landscaping within Macquarie Park or the Sydney basin more generally. The relative abundance of this vegetation type in the surrounding region suggests that the loss of vegetation within this site would result in a negligible impact on the local viability of this species. Given both microbat records are for cave-dwelling bats searches were undertaken within buildings and other masonry structures to assess the potential for these elements to constitute roosting habitat. Searches were undertaken during the day by a qualified and experienced ecologist, looking into cracks and crevices on masonry structures. The buildings on site have been constructed within the past 10-20 years and as such employ relatively modern construction techniques. This includes the use of large areas of corrugated iron with close cropped fascias. Open elements in the structure, including vents, include 10 mm or smaller mesh, presumably to prevent the ingress of pests such as urban birds and rodents. This mesh also acts to exclude microbats. No bats were recorded during this survey, nor were any signs of bat presence such as guano or fly casings observed. With respect to the owls, it is highly unlikely that Masked owl would continue to inhabit the area given their preference for large tracts of eucalypt forest and woodland (500-1000 ha) for hunting and roosting. Powerful owls are known to occupy urban fringes and given the date of this record (2016), it is likely that this species would be present in the broader area. It is however unlikely to roost or breed within the site given its preference for large

Biodiversity value	Meaning	Relevant (Yes or NA)	Explain and document potential impacts including additional impacts prescribed under the *Biodiversity Conservation Regulation 2017* (BC Regulation)*
			hollows in riparian gullies. Given there are no hollows or riparian gullies within the Site it is likely that the roosting and breeding habitat for this species is the Lane Cove River valley, with only occasional foraging within the urban areas of Macquarie Park (likely comprised of urban Ring-tail and Brush-tail possums). Whilst the proposal would remove some habitat for these prey items, and subsequently the Powerful owl, the abundance of retained vegetation surrounding the site suggests that this impact would be minor at worst. The Project would change the nature of lighting sources and human activity both during construction and operation. Generally, these impacts would be lower than the existing scenario, with only around 50 staff present within the operational data centre (and with these spread out over 24 hour operation). This is a substantial reduction in the number of people, vehicles and general lighting requirements compared to the development that is currently present within the Site.

Biodiversity value	Meaning	Relevant (Yes or NA)	Explain and document potential impacts including additional impacts prescribed under the *Biodiversity Conservation Regulation 2017* (BC Regulation)*
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	N/A	The Site itself contains no records of any flora listed as threatened in NSW or at the Commonwealth level. However, as noted above two flora species, *Callistemon linearis* and *Prostanthera marifolia,* were returned by the Bionet searches. Neither of these species were recorded within the site. The proposal does not include the demolition of buildings, with this being the subject of a separate future development application to be lodged prior to construction of the Project. Despite this, surveys were undertaken of existing buildings to determine their potential to comprise roosting habitat for threatened cave-dwelling microbats. As outlined above, this survey did not record any direct observations or signs of habitation of the existing buildings by microbats. On the basis of their habitat requirement and the nature of the vegetation within the body of the exiting Site the project is considered highly unlikely to result in any significant impact upon threatened fauna. The project area does not contain any threatened ecological communities (TECs). There would be no significant impact upon any nearby TECs, directly or indirectly due to their separation from the Site and the implementation of mitigation measures to manage off-site impacts (see below). Sedimentation arising from earthworks within the Site would be strictly managed in accordance with the conditions of consent, as well as through the implementation of the proposed erosion and sediment control plan during construction. Detailed stormwater management and erosion control plans would be included as part of the Project's construction environment management plan (CEMP). During operation, water quality management systems such as gross pollutant traps and other water quality devices would be implemented and maintained to reduce the potential for water quality impacts to any threatened ecological communities or Lane Cove River generally.

Biodiversity value	Meaning	Relevant (Yes or NA)	Explain and document potential impacts including additional impacts prescribed under the *Biodiversity Conservation Regulation 2017* (BC Regulation)*
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 across their range	N/A	The Project area is located in a heavily urbanised landscape. To the north and east of the Site is Lane Cove National park, around 430 metres from the site at its nearest point, with the majority of the park being over 700 metres away. The surrounding suburb of Macquarie Park is dominated by commercial and education development, with extensive areas of residential development in all directions. Whilst the Site includes a small amount of landscaping vegetation this does not for part of any recognisable movement corridor for threatened or non-threatened species. Whilst it is recognised that landscaping vegetation within the site would provide ad hoc foraging opportunities for some species such as Grey-headed Flying-fox, the Site is highly unlikely to play any key role in the connectivity (genetic or otherwise) of threatened species populations in the broader region. As such the removal of landscaping vegetation within the site is unlikely to result in any significant impact upon movement at a local or regional landscape level.
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	N/A	As outlined above, the main body of the Site is not critical to the connectivity (genetic or otherwise) of any threatened species populations. The development of the Site would not place any threatened flora or fauna populations at risk either directly or through discouraging movement. The retention of mature trees along the Talavera Road frontage as well as the extensive future landscaping of the site (replacing what is currently largely a car park) would act to improve the potential for movement of threatened species.
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	N/A	The Project would be developed at existing ground level and would not result in any obstruction to overflight patterns of threatened or other protected species.

Biodiversity value	Meaning	Relevant (Yes or NA)	Explain and document potential impacts including additional impacts prescribed under the *Biodiversity Conservation Regulation 2017* (BC Regulation)*
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.	N/A	The Project would not alter any naturally occurring waterbodies, with Lane Cove River being 700 m to the northeast at its closest point, and separated by the M2 Motorway and residential development. As outlined above, construction impacts would be managed in such a way as to minimise sediment escape and hence reduce the potential for impacts upon any nearby waterbodies, natural or otherwise, including Lane Cove River. Sedimentation arising from earthworks within the Site would be strictly managed in accordance with the conditions of consent, as well as through the implementation of the proposed erosion and sediment control plan during construction. Detailed stormwater management and erosion control plans would be included as part of the Project's construction environment management plan (CEMP). During operation, water quality management systems such as gross pollutant traps and other water quality devices would be implemented and maintained to reduce the potential for water quality impacts to any threatened ecological communities or Lane Cove River generally. The Project would not alter hydrological regimes in the area (including the water level or water quality of Lane Cove River) such that any habitat for threatened species or ecological communities would be placed at risk.

Planning, Industry & Environment

Mr Frank Ianni
Project Director
Stockland Corporation Limited
Level 25, Piccadilly Tower
133-145 Castlereagh Street
SYDNEY NSW 2000

Our ref: SSD-10467
EF20/22600

Attention: Mr Jamie McMahon, AECOM

21 October 2020

Dear Mr Ianni

Subject: Request to waive requirement to prepare a Biodiversity Development Assessment Report

I refer to your correspondence received on 1 October 2020 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 proposed Macquarie Park Data Centre (SSD-10467).

The development seeks consent for the construction and operation of a five-storey data centre and associated office, as detailed in the BDAR waiver application prepared by AECOM Australia Pty Ltd, dated 1 October 2020.

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*".

This letter is to confirm that the Secretary of the Department of Planning, Industry and Environment has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.

I, as delegate of the Secretary within the Planning and Assessment Division, have determined that the proposed development is not likely to have any significant impacts on biodiversity values (see determination attached dated 21 October 2020). Evidence that the delegate of the Secretary within the Environment, Energy and Science Group (Acting Director, Greater Sydney) has made the determination is also attached (dated 12 October 2020).

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.

Should you have any further enquiries, please contact Patrick Copas, Planning and Assessment, at the Department on (02) 9274 6273.

Yours sincerely,

Chris Ritchie
Director, Industry Assessments – Planning and Assessment Division
As delegate of the Secretary

Attachment	Title
1	Determination, Environment, Energy and Science Group
2	Determination, Planning and Assessment Division

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

I, Daylan Cameron, Acting/Director Greater Sydney, of the Department of Planning, Industry and Environment, under clause 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 DOC20/823503 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

12/10/2020

Daylan Cameron
A/Director
Greater Sydney
Environment, Energy & Science Group

Date

SCHEDULE 1 – Description of the proposed development

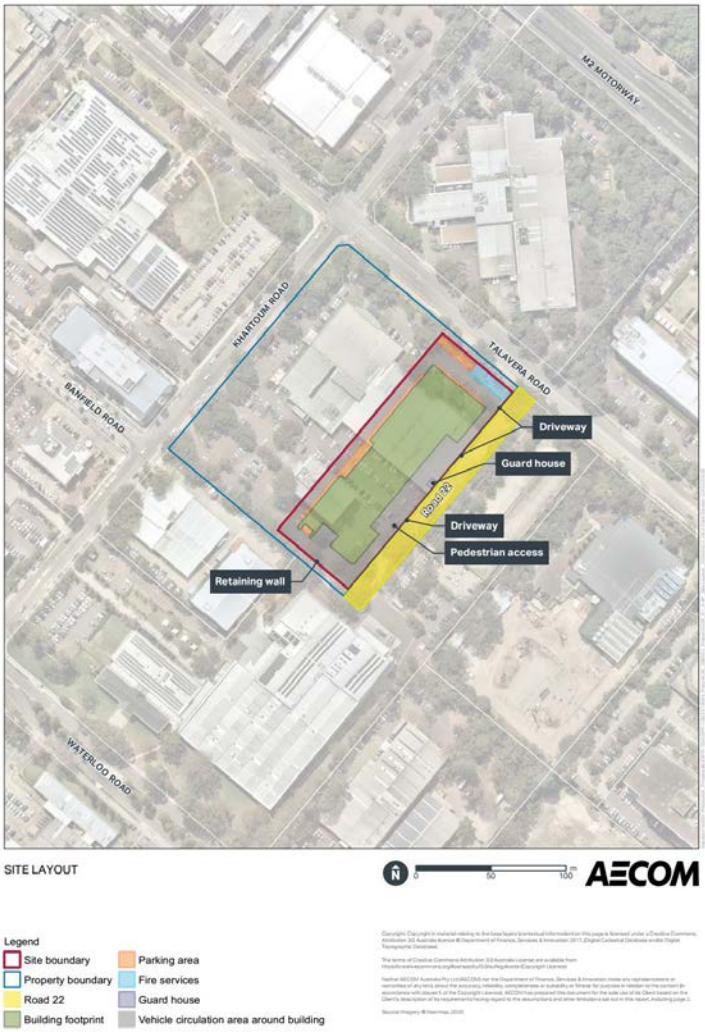
The proposed development is the construction and operation of a Data Centre. This includes Site preparation works, bulk earthworks and infrastructure, and for the construction of the building, ancillary facilities and associated Site works for the use of a data centre.

The data centre would be a five storey building with associated at-grade parking and vehicle circulation space. Key elements would include:

- • Earthworks, excavation and retaining walls
- • Construction of the main building and façade
- • Ancillary offices and staff amenities
- • Car parking
- • Loading dock
- • Security guard house
- • New vehicular access
- • Service infrastructure
- • Mechanical and electrical infrastructure
- • Cooling and air conditioning
- • Diesel backup generators
- • Landscaping

The Project would also include the construction of Road 22, as per City of Ryde's Macquarie park DCP.

The data centre will include eighteen diesel generators and approximately 360,000 litres of diesel storage in underground tanks.



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

I, Chris Ritchie, Director, Industry Assessments, of the Department of Planning, Industry 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 construction and operation of a five-storey data centre and associated office, as detailed in the BDAR waiver application prepared by AECOM Australia Pty Ltd, dated 1 October 2020.

If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

If you do not lodge the development application related to this determination for the proposed development within 2 years of the issue date of this determination, you must either prepare a BDAR or lodge a new request to have the BDAR requirement waived.

21 October 2020

Chris Ritchie
Director
Industry Assessments
Planning and Assessment Division
Department of Planning, Industry and Environment
As delegate of the Secretary

Date