

BDAR waiver decision report

**Project Name:** Proposed Development– Horsley Drive Business Park Stage 2, Building 1 – Customer Fulfilment Centre

**SSI/SSD Application Number:** SSD 10404

**Proponent:** The Trustee for CHOF5 Horsley Drive Trust

**Date request received:** 16 March 2020

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
<b>Vegetation abundance</b>  1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site		The BDAR waiver report states that provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved, there will be no impacts from the construction of the Customer Fulfilment Centre on the occurrence and abundance of vegetation on the site. Vegetation within the site consists of several small patches of degraded PCT 850 Cumberland Shale Hills Woodland of very low abundance and biodiversity quality. Most of the site is cleared and is vegetated by exotic grasses and weeds.	The MOD for SSD 7664 is not relevant as it has not been approved. However, all vegetation can be removed in accordance with the consent for SSD 7664. Therefore, it can be concluded that there is no vegetation at the site.
<b>Vegetation integrity</b>  1.5(2)(b) 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		Provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved, the vegetation within the BDAR development footprint will be removed prior to the construction of the Customer Fulfilment Centre and the current development will have no impact.  Due to land management practices, vegetation within the site had been highly modified or disturbed and has limited natural resilience. Most of the vegetation within the site is composed of cleared land with exotic grasses and weeds, with several small patches of PCT 850 Cumberland Shale Hills Woodland present in the footprint of the Customer Fulfilment Centre in a degraded condition. The remnant vegetation consists of small patches and paddock trees along fence lines and forms part of Cumberland Plain Woodland CEEC under the BC Act.  Therefore, the development of the Customer Fulfilment Centre does not compromise the vegetation integrity of the site.	The MOD for SSD 7664 is not relevant as it has not been approved. However, all vegetation can be removed in accordance with the consent for SSD 7664. Therefore, it can be concluded that there is no vegetation on site that is in a natural state.
<b>Habitat suitability</b>	Degree to which the habitat needs of		Provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved, the construction of the Customer Fulfilment Centre will	The MOD for SSD 7664 is not relevant as it has not been approved.

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
1.5(2)(b) BC Act 6.1(1)(a) BC Regulation	threatened species are present at a particular site		<p>have no impact on how water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities.</p> <p>No mapped water courses are present within the site; however, the study area has four manmade dams, with one occurring within the footprint of the Customer Fulfilment Centre. Surveys indicated that the dams provide drinking water for <i>Pteropus poliocephalus</i>, however no threatened species of frogs were recorded. The dams' vegetation was in a degraded condition due to the high level of exotic vegetation. Therefore, the proposed development will not impact on water quality, water bodies or hydrological processes.</p> <p>Therefore, the development of the Customer Fulfilment Centre will not compromise habitat suitability for threatened species. The proposed development will not impact upon any habitat specified under Clause 6.1 (1) (a) of the Biodiversity Conservation Regulation 2017.</p>	<p>However, all vegetation can be removed in accordance with the consent for SSD 7664. Therefore, it can be concluded that the proposal will have no impact on threatened species.</p>
<b>Threatened species abundance</b>  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		<p>The BDAR waiver report states that provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved, there will be no impacts on threatened entities present within the site because SSD 7764 will remove all vegetation from the development footprint prior to construction of the Customer Fulfilment Centre. The site contains Cumberland Plain Woodland which is listed as a critically endangered ecological community (CEEC) under the NSW Biodiversity Conservation Act 2016 (BC Act) and under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). It is classified as PCT 850 Cumberland Shale Hills Woodland. It occurs as scattered remnant trees in several patches along fence lines and is in a degraded condition. Due to its condition and small size this vegetation does not meet the condition criteria to fall within EPBC Act classification. Most of the site is cleared and is vegetated by exotic grasses/ weeds and two dams (Figure 3). There is limited habitat available for threatened flora species due to the high level of modification of vegetation within the site. Provided that the modification to SSD 7764 is approved, there will be no impacts to any threatened fauna species' foraging habitat. <i>Pteropus poliocephalus</i> (Grey-headed Flying Fox), listed as vulnerable under the BC Act and EPBC Act was observed foraging in eucalypts and using dams for water on the north eastern part of the study area, outside the footprint of the Customer Fulfilment Centre. Survey was undertaken for threatened microbats and the results will be reported in the BDAR. Survey was undertaken for <i>Meridolum corneovirens</i> (Cumberland Plain Land Snail) and found no evidence of their presence. There is no roosting habitat available within the subject site for hollow-dependent threatened fauna species due to the absence of hollow-bearing trees. The</p>	<p>The MOD for SSD 7664 is not relevant as it has not been approved. However, all vegetation can be removed in accordance with the consent for SSD 7664. Therefore, it can be concluded that the proposal will have no impact on threatened species.</p>

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
			development of the Customer Fulfilment Centre will not affect threatened species and ecological communities.	
<b>Habitat connectivity</b>  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 BDAR waiver report states that provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved for the civil works, there will be no impacts from the subsequent construction of the Customer Fulfilment Centre on connectivity of habitat facilitating movement of threatened species across their range. Vegetation within the and around the study area is highly fragmented and does not significantly contribute to habitat connectivity across the local landscape, being surrounded by cleared farmland and industrial land. Vegetation is separated from other vegetation on adjoining land by over 100 m. Movement of threatened species across the site would be limited to stepping-stone habitat for highly mobile species such as birds and bats due to the lack of vegetation connectivity. The site would provide limited connectivity for the Wetherill Park Flying Fox camp which occurs 3.6 km to the east of the development site. The impacts of the larger separate development (SSD 7764) on threatened microbats is being addressed in the BDAR. The development will not affect any connectivity to facilitate movement of threatened species across their range.	The MOD for SSD 7664 is not relevant as it has not been approved. However, all vegetation can be removed in accordance with the consent for SSD 7664. Therefore, it can be concluded that the site would not provide connectivity to other areas.
<b>Threatened species movement</b>  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		<p>The BDAR waiver report states that provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved, there will be no impacts from the construction of the Customer Fulfilment Centre on how the site contributes to the movement of threatened species to maintain their lifecycle.</p> <p>The site contains limited native vegetation and two dams which is fragmented by cleared land and surrounding farmland and industrial land. Movement for less mobile threatened fauna such as mammals and gastropods <i>Meridolum corneovirens</i> (Cumberland Plain Land Snail) across the site is highly unlikely due to the degraded condition of the site. Opportunities for movement across the site for mobile threatened fauna including birds and bats are available, however is limited to the utilisation of small patches of degraded <i>Meridolum corneovirens</i> and two dams. Survey was undertaken for threatened microbats and assessed in the BDAR for SSD 776. Survey was undertaken for <i>Meridolum corneovirens</i> and found no evidence of their presence.</p> <p>Therefore, there will be no impacts from the development of the Customer Fulfilment Centre on the movement of any threatened species to maintain their lifecycle.</p>	The MOD for SSD 7664 is not relevant as it has not been approved. However, all vegetation can be removed in accordance with the consent for SSD 7664. Therefore, it can be concluded that the proposal will have no impact on threatened species movement.
<b>Flight path integrity</b>	Degree to which the flight paths		The BDAR waiver report states that provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved, there will be no	The MOD for SSD 7664 is not relevant as it has not

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
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1.4(e) BC Act 6.1(1)(e) BC Regulation	of protected animals over a particular site are free from interference		impacts on how the construction of the Customer Fulfilment Centre interferes with flight paths of protected animals. The landscape within and surrounding the study area is predominantly cleared with industrial land to the east and the south, thereby currently restricting the flight paths of protected animals. The proposed development will not affect flight paths of protected animals.	been approved. However, all vegetation can be removed in accordance with the consent for SSD 7664. Therefore, it can be concluded that the proposal will have no impact on flight paths of species.
<b>Water sustainability</b>  1.4(f) and 6.1(1)(d) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.		The BDAR waiver report states that provided that the modification to SSD 7764 for civil works across the whole of the Horsley Drive Business Park is approved, the construction of the Customer Fulfilment Centre will have no impact on how water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities.  No mapped water courses are present within the site; however, the study area has four manmade dams, with one occurring within the footprint of the Customer Fulfilment Centre. Surveys indicated that the dams provide drinking water for Pteropus poliocephalus, however no threatened species of frogs were recorded. The dams' vegetation was in a degraded condition due to the high level of exotic vegetation. Therefore, the proposed development will not impact on water quality, water bodies or hydrological processes.	The MOD for SSD 7664 is not relevant as it has not been approved. However, given there are no water courses on site, the conclusion can be supported that there are unlikely to be any impacts on water sustainability as a result of the proposal.

## Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
  - determines that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required
  - ~~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.~~



1/4/2020

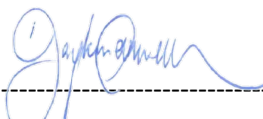
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Sarah Burke  
A/Senior Team Leader, Compliance & Regulation, Greater Sydney Branch  
Environment, Energy & Science Group

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Date

## Decision

I, Daylan Cameron, A/Director Greater Sydney, of the Department of Planning, Industry and Environment, having reviewed this report and the documents attached to it:

- A. **determine** under clause 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in DOC20/221998 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 [insert reference to letter/report] is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



06/04/04

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

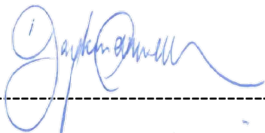
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***Determination under clause 7.9(2) of the Biodiversity Conservation Act 2016***

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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 DOC20/132001 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



06/04/2020

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

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**Date**

## SCHEDULE 1 – Description of the proposed development

It is proposed that the Proposed Customer Fulfilment Centre be constructed at 130-156 Cowpasture Road, Wetherill Park. Following the civil works on the site subject to the approval of modification to SSD approval 7764, the Proposed Customer Fulfilment Centre will be constructed as part of the Horsley Drive Business Park.

As a result of the development under SSD-7764 (modification), there will be no additional removal of trees or biodiversity.

