Our ref: DOC21/238759
Senders ref: SSD 10479

Mr Chris Ritchie
Planning and Assessment Group
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Attention: David Schwebel

Dear Mr Ritchie

Subject: Response to Submissions request for comment – 200 Aldington Road, Kemps Creek (SSD-10479)

Thank you for your email received on 26 March 2021, requesting comment from the Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE) in relation to the Response to Submissions for the 200 Aldington Road Industrial Estate (SSD-10479) in the Mamre Road Precinct.

EES has reviewed the relevant documentation and provides in Attachment A regarding biodiversity and floodplain risk management. Please note: advice regarding waterway health will be provided under separate cover.

Should you have any queries regarding this matter, please contact Dana Alderson, Senior Project Officer Planning on 8837 6304 or Dana.Alderson@environment.nsw.gov.au.

Yours sincerely

S. Harrison

16/04/21

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation

Attachment A – EES comments on Response to Submissions for 200 Aldington Road Industrial Estate (SSD-10479)

Biodiversity

EES has reviewed the Response to Submissions (RTS) report prepared by Ethos Urban (23 March 2021), Revised Concept Masterplan (SBA Architects, 19 March 2021), and Biodiversity and Riparian Addendum (Eco Logical Australia, 22 March 2021). EES considers that the revised proposal and additional information do not address concerns raised, and that the proposal does not adequately assess the biodiversity impacts of the development.

Assessment of impacts

EES previously advised that the proposal did not adequately assess impacts on biodiversity, and concerns were raised regarding encroachments of warehouse W6, carparking and a stormwater detention basin into the riparian area at the north eastern corner of the site. EES notes that the RTS proposes the following amendments to the design of the north eastern corner of the development:

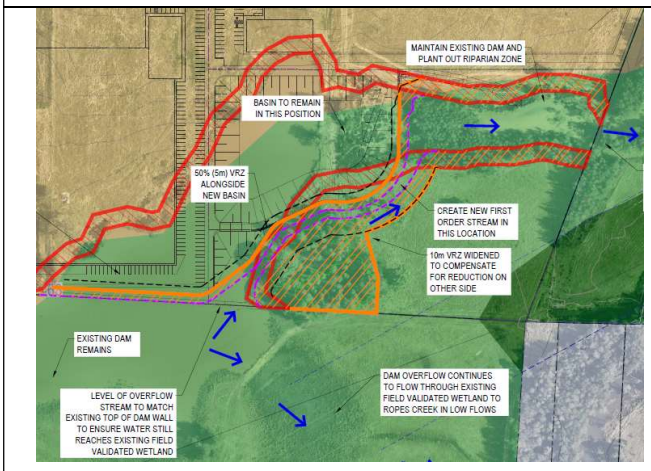
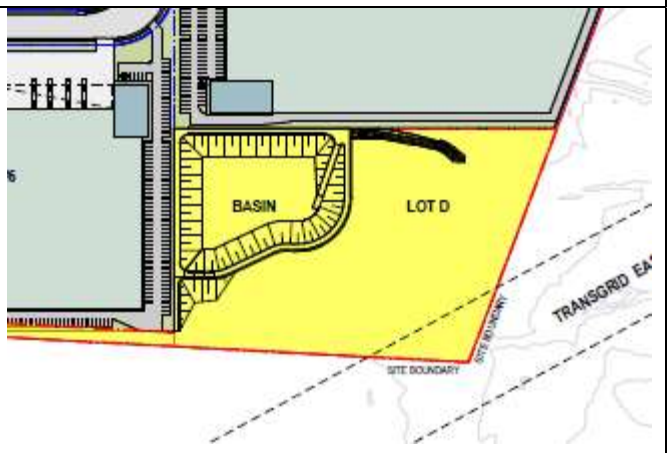
- riparian corridor recreated and first order stream redirected with a 10m buffer on each side (Figure 12, p14), and
- the open space edge road deleted and landscaped edge solution proposed which "provides an acceptable buffer to the riparian corridor" (p22).

It isn't clear from Figure 12 of the RTS (below) if the alteration of the first order watercourse will impact River-flat Eucalypt Forest and Swamp Oak Floodplain Swamp Forest, and this has not been documented in the BDAR.

Further, the BDAR states that vegetation on Lot D will be retained, restored and managed under a Vegetation Management Plan. However, the original Bushfire Protection Assessment (Appendix P of EIS) and Revised Concept Masterplan – Fire Protection Plan indicates that all of Lot D must be managed as a 'defendable space' or Asset Protection Zone (APZ). Vegetation management for an APZ involves the removal and trimming of vegetation, and can impact on biodiversity values.

EES recommends the BDAR be revisited to ensure that the impacts of the proposed works within and adjacent to Lot D are accurately assessed and presented. The assessment must include:

- realignment of the watercourse and recreation of the riparian corridor
- construction of stormwater detention basin
- retaining walls, and
- APZs.

RTS – Figure 12	Revised Concept Masterplan – Fire Protection Plan
	
	

BAM-C to be finalised

This has been addressed, with the exception of the following:

- The GIS shapefile for *Myotis* habitat has not been received by EES
- EES now has access to the calculator data and the Green and Golden Bell Frog (GGBF) habitat shapefile and notes that data in the BDAR is inconsistent with data in the GIS file and calculator, i.e:
    - GGBF polygon is 0.598 ha but the BDAR says the impact is 0.342 ha and the calculator says 0.93 ha
    - Data on the size of the *Myotis* polygon is not available (as above) but the BDAR says the impact is 2.975 ha and the calculator says 3.02 ha.
- However, it is acknowledged that the number of credits required for these species is consistent between the BDAR and the calculator (5 and 29 for GGBF and *Myotis* respectively).

Candidate species credit species assessment

This has not been adequately addressed. For the reasons previously given, *Acacia pubescens, Grevillea juniperina subsp. Juniperina, Marsdenia viridiflora subsp. Viridiflora, Meridolum corneovirens,* and *Pimelea spicata* need to be assessed in accordance with Step 4 of section 6.4 of the BAM.

Regarding the assertion that "the listed species are not cryptic", *P. spicata* is cryptic and *M. corneovirens* may not be readily observed because:

- Bionet states for *P. spicata* "use flowers to locate and identify as species is inconspicuous" https://www.environment.nsw.gov.au/AtlasApp/UI_Modules/TSM_/ProfileEdit.aspx?pId=10632&pType=SpeciesCode
- the environmental impact assessment guidelines for this species state "*Pimelea spicata* is cryptic and difficult to detect, particularly when not in flower, so surveys should not be relied upon unless undertaken whilst the species is flowering" https://www.environment.nsw.gov.au/resources/nature/PimeleaSpicata0805EIA.pdf
- for *M. corneovirens*, Bionet states "Identification of live specimens is required early morning or in the evening during or after rain, while the ground and vegetation surfaces are still wet from the rain" and "shelters in loose soil around grass clumps" and "can dig several centimetres into soil to escape drought" https://www.environment.nsw.gov.au/AtlasApp/UI_Modules/TSM_/ProfileEdit.aspx?pId=10526&pType=SpeciesCode.

Inconsistencies in the assessment for the Green and Golden Bell Frog

This has not been adequately addressed. EES does not agree with the conclusion in the Biodiversity and Riparian Addendum that only one dam on the site provides suitable habitat for GGBF. Based on Table 6 of the Aldington Road Kemps Creek Riparian Assessment (Eco Logical Australia, 15 October 2020) (the riparian assessment), dams 2, 3, 4, 6, 7 and 10 provide potential habitat for this species. The information in the riparian assessment needs to be considered when determining the species polygon for GGBF, and when updating the BDAR. EES also recommends the BDAR be updated to report a consistent figure for direct impacts to GGBF habitat.

Buffers for Green and Golden Bell Frog

This has not been adequately addressed because it has not been explained why the ecologists concluded that potential habitat did not extend 200m from the dam. The photos in the BDAR and the riparian assessment, along with aerial imagery (Nearmap, dated Friday March 26 2021), show potential habitat in cleared areas, and:

- the environmental impact assessment guidelines state (page 2) "… drains, scrapes, depressions and farm dams along with the more natural coastal or floodplain wetland features…are all candidate sites for occupation by this species…Such sites are occupied and used mainly as breeding habitat. Foraging habitat requirements include tall, dense, grassy vegetation and tussock forming vegetation is known to be used for foraging and shelter…Over-wintering sites are another important habitat component that requires consideration in any site assessment…Such sites include the bases of dense vegetation tussocks, beneath rocks, timber, within logs or beneath ground debris including human refuse such as sheet iron etc.", https://www.environment.nsw.gov.au/resources/nature/GAndGbellfrogEia0703.pdf
- Bionet identifies habitat constraints to be within 1km of semi-permanent/ephemeral wet areas, swamps, and waterbodies https://www.environment.nsw.gov.au/AtlasApp/UI_Modules/TSM_/ProfileEdit.aspx?pId=10483&pType=SpeciesCode
- This species is also known to occur in highly disturbed areas, particularly in Greater Sydney https://www.environment.nsw.gov.au/AtlasApp/UI_Modules/TSM_/LinksEdit.aspx?pId=10483&pType=SpeciesCode

As such, EES' previous comment applies, and a 200m buffer should be applied around waterbodies.

Prescribed impacts

This has not been adequately addressed because:

- fauna can use buildings and other human-made structures that are abandoned and in use, and in a range of conditions
- sections 6.7.1.3(b) and 9.2.1.3 of the BAM have not been applied
- section 9.3.1.1 of the BAM states "The proponent must identify measures to mitigate or manage impacts in accordance with the guidelines for mitigating and managing impacts on biodiversity values at Subsection 9.3.2 and Subsection 9.3.3", with subsection 9.3.3 being "mitigating prescribed biodiversity impacts"

As such, EES' previous comment remains relevant and the following further assessment is required:

- application of sections 6.7.1.3(b) and 9.2.1.3 of the BAM, and
- reconsideration of the types of habitat available for microbats on the site.

Avoiding and minimising impacts on biodiversity

This has not been adequately addressed. In accordance with section 8 of the BAM, more information is needed to document and justify the location and design of the project, particularly in relation to the location of the proposed bio-retention basin in the north eastern corner of the site. This basin will remove a portion of the endangered Swamp Oak floodplain swamp forest, which forms part of, and is contiguous with, the riparian vegetation in the proposed VMP area.

Mitigation measures

Comment: This has been partly addressed. Table 27 in the BDAR needs to be updated to cover:

- the construction buffer
- all of the vegetation to be included in the VMP area
- dam dewatering, and
- searching human-made structures for fauna before they are demolished.

Flooding

EES acknowledges that the Revised Flood Impact Assessment (Appendix J to the RTS) provides developed (future) condition flood behaviour maps for 2y, 5% AEP, 1% AEP and the PMF events. However, the flood impact maps are limited to the 2y, 5% AEP, and 1% AEP events. The assessment should also incorporate PMF impact maps to provide a sound understanding of the impact of the development for the full range of flooding.

(END OF SUBMISSION)