

Department of Planning and Environment

Our ref: DOC22/639814

Your ref: SSD-34991713

Mr Thomas Bertwistle
Energy Resource Industry Assessments
Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

23 August 2022

Subject: EHG biodiversity comments on Environment Impact Assessment for Light Horse Interchange Warehouse Facility - Lot 7 - SSD-34991713

Dear Mr Bertwistle

Thank you for the email of 25 July 2022 requesting comments on the Environmental Impact Statement (EIS) for this State significant development - SSD-34991713.

The Environment and Heritage Group (EHG) appreciates the Department providing it with an extension in which to provide its flood comments for this SSD. EHG provides its biodiversity/landscaping related comments and recommendations on the EIS at Attachment A. EHG will provide a separate letter with its flood related comments.

If you have any queries regarding this matter, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au.

Yours sincerely,



Dana Alderson
A/Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation

Subject: EHG biodiversity comments on Environment Impact Assessment for Light Horse Interchange Warehouse Facility – Lot 7 - SSD-34991713

The Environment and Heritage Group (EHG) has reviewed the following reports for this State Significant Development (SSD):

- Environmental Impact Statement (EIS)
- Appendix A – SEARs reference table
- Appendix BB – Mitigation Measures
- Appendix K - Landscape Plans
- Appendix K – Landscape Report – Lot 7 Light Horse Business Park – May 2022 Rev C
- Appendix M – Biodiversity BDAR Waiver – 26 May 2022
- Appendix Q – Soil Resources Assessment – 2 June 2022
- Appendix Y – Bushfire Assessment – 2 June 2022
- Landscape Masterplan (Appendix D) to the SSD-9667-MOD 1 application for the Light Horse Interchange Business Hub

and provides the following comments.

Background

The SSD-9667 consent included site preparation works as part of the approved detailed proposal for Stage 1, including Lot 7. The EIS notes the approved Stage 1 works will be completed prior to the commencement of construction for the warehouse or distribution centre DA on Lot 7, including demolition of all existing structures on site, site preparation works, provision of flood and stormwater management infrastructure and clearing of native vegetation. A review of Nearmap by EHG shows the remnant vegetation on the Light Horse Interchange Business Hub (LHIBH) site including Lot 7 was cleared sometime between 17 February-16 April 2022.

This SSD application proposes to construct the first of six warehouses on Lot 7 within the LHIBH site and is lodged concurrently with a modification application (MOD 1) to modify SSD-9667.

SSD-9667-MOD 1 seeks amendments to the LHIBH lot layout, a minor increase in overall GFA, improvements to the proposed stormwater management systems, and amendments to the civil design elements. The proposed works for which consent is sought under this SSD have been designed assuming the changes sought under MOD 1 have been approved. The applicant acknowledges MOD 1 is to be resolved prior to the determination of this application.

EHG provided biodiversity related comments on the MOD 1 proposal on 9 August 2022 and comments relating to flooding on 11 August 2022 (our reference: DOC22/640927).

Biodiversity

BDAR Waiver

EHG determined on 27 July 2022 (DOC22/608856) that the proposed development is not likely to have any significant impact on biodiversity values and the application does not need to be accompanied by a BDAR.

Bushland Corridor

EES in its submission on the EIS for SSD-9667 advised the LHIBH site has environmental value as it provides the potential to widen the Bushland Corridor along Eastern Creek within Precinct 6. EES recommended in its submissions on the EIS, RtS and the RtSA for SSD-9667:

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- the Bushland Corridor along Eastern Creek is widened along the western side of the creek within Wallgrove Road - Precinct 6 to include part of the LHIBH site
- Lot 8 (i.e., where the bio-retention basin is proposed) is included as part of the Bushland Corridor and the Concept Masterplan is amended accordingly

The RtSA for SSD-9667 acknowledged that the Bushland Corridor along Eastern Creek is recognised as an important regional corridor and it indicated the Bushland Corridor is to be widened but it did not propose amending the project footprint to include Lots 6, 7 and 8 into the corridor. Instead it stated “WSPT proposes to widen the existing bushland corridor on the western side of Eastern Creek at the southern portion adjacent to the landfill site” and it will “include areas between Reedy Creek and Eastern Creek” as shown in Figure 4 of the RtSA. EES provided further advice and advised in its submission on the RtSA that while widening the corridor at this location may have merit, Figure 4 in the RtSA only refers to it as a ‘biodiversity corridor widening investigation area’. EES noted that this implies it is not definite that the ‘investigation area’ will be added to the corridor and that greater certainty is required.

In its submission of 9 August 2022 on SSD9667-MOD 1, EHG sought clarification as to whether the ‘biodiversity corridor widening investigation area’ as shown in Figure 4 of the RtSA has now been added to the regional corridor along Eastern Creek in accordance with the mitigation measure in the Development Consent for SSD-9667. EHG advised if the ‘biodiversity corridor widening investigation area’ has not been added to the Regional Corridor, it considers that as the MOD 1 proposal seeks to amend the approved subdivision layout and approved building envelopes the modification also provides an opportunity to amend the lot layout to widen the Bushland Corridor by including the area that previously contained remnant native vegetation on Lot 8 into the regional Bushland Corridor and rehabilitating /revegetating it.

The EIS for this SSD notes Lot 7 discharges into the estate bioretention on proposed Lot 8 (section 6.2.3). The discharge of stormwater from Lot 7 into the bioretention basin on Lot 8 may be an issue if the ‘biodiversity corridor widening investigation area’ has not been added to the regional corridor. As noted above EHG has recommended in its submission on SSD9667-MOD 1 that if the biodiversity corridor widening investigation area’ has not been added to the regional corridor that Lot 8 is included into the Regional Bushland Corridor and Lot 8 is revegetated and rehabilitated. The RtS for this SSD should address this issue.

Site landscaping and use of native provenance species

The EIS indicates the proposed vegetation consists of endemic species relevant to the River Flat Eucalypt Forest and the Shale Plains Woodland plant communities (section 3.2.6, page 13). The inclusion of the Landscape Plans and Landscape Report in Appendix K to the EIS is noted for this SSD. EHG has provided detailed comments in its submission of:

- 18 January 2022 on the draft Landscape Plan for the LHIBH (our ref DOC21/1121357)
- 9 August 2022 for SSD-9667 MOD 1 which includes comments on the Landscape Master Plan report.

It is recommended Appendix K is consistent with EHG’s previous comments on the draft Landscape Master Plan.

The Landscape report states, “The design for Lot 7 will adhere to the objectives and design approach for the master plan in its use of 100% native plant species, the majority of which should be endemic”. EHG recommends any planting/ landscaping, street planting associated with this SSD (apart from the proposed Bush Tucker Garden) uses a diversity of local provenance native trees,

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shrubs and groundcover species from the relevant native vegetation community (or communities) that once occurred on the site rather than use exotic species or non-local native species and a condition of consent is included regarding this (see below).

EHG notes the plant schedules in the Landscape Plans (Appendix K) for this SSD includes trees from 'Shale Hills'. In its submission of 18 January 2022 on the draft Landscape Plan (our ref DOC21/1121357) EHG questioned the choice of using Shale Hills Woodland (SHW) species in the planting on the LHIBH site given that SHW was not identified as occurring on the site in the original BDAR. EHG advised that Shale Plain Woodland (SPW) may be a more appropriate choice for planting than SHW. EHG in its submission on the MOD 1 proposal recommended the PCTs to be planted on site (including Lot 7) are consistent with Figure 3.2 (Plant Community Types within the subject land) in the BDAR for SSD-9667.

It is recommended the plant schedules in the Landscape Plans are amended to remove reference to 'Shale Hills' and the schedules demonstrate that the plant species to be used in the site planting (trees, shrubs and groundcover) are from the local native vegetation communities that once occurred on the site and are of local provenance to ensure genetic integrity. The use of local genetic plant material has numerous environmental benefits.

The Landscape Plans indicates shrubs/ groundcover species are proposed to be planted in the edible food garden, the wildflower meadow, carpark and the hydro seed Mix 2 area but the plans provide no indication if these plants are local native species that once occurred on the site. The landscape plans should address this.

The 'street interface and edges' in the Landscape Report for this SSD shows a single line of trees is proposed to be planted along the southern side of the road in front of Lot 7 but the figure on page 21 of the Master Plan for the MOD 1 proposal indicates a "double row of trees between public and private lots" is to be planted on the southern side of the road. The figures provided in Appendix K for this SSD and the Masterplan / Landscape drawings for the MOD 1 proposal should be consistent with each other. The RtS should address this.

The RtS should demonstrate that enough space is available to accommodate any trees to be planted on Lot 7 and the street planting can grow to maturity without the need for lopping / trimming. Lopping trees removes the potential for tree hollows to form. This also applies to the street setbacks. The RtS should demonstrate that enough space is available to accommodate any proposed footpaths plus allow for the street trees to grow to maturity.

EHG recommends any trees to be planted are advanced or established local native species where they are commercially available to increase urban tree canopy cover. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed. EHG recommends the non-commercially available species of trees are propagated as soon as possible.

EHG recommends the following conditions of consent are included:

- ***A Landscape Plan is to be prepared and implemented by an appropriately qualified bush regenerator and include details on:***
 - a. the native vegetation community (or communities) that once occurred on the site and the plan demonstrates that the proposed plant species are from the relevant vegetation community. Local provenance tree, shrub and groundcover species to be used with the exception of the Bush Tucker Garden***
 - b. the type, species, size, quantity, and location of replacement trees. Tree planting shall use advanced and established local native trees for local native tree species which are***

- commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed*
- c. the species, quantity and location of shrubs and groundcover plantings*
 - d. the area/space required to allow the planted trees to grow to maturity*
 - e. plant maintenance regime. The planted vegetation must be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.*

Note: As per Condition B50(c) for SSD-9667 the applicant should then maintain the landscaping and vegetation on the site in accordance with the approved Landscape Plan required by Condition B49 for the life of the development.

End of Submission