

20 September 2022

Our ref: 18SYD 11929

Mirvac Project Pty Ltd  
Level 28,  
200 George Street  
Sydney NSW 2000

Attention: Daniel Brook

Dear Daniel,

**Aspect Industrial Estate Warehouse 9 State Significant Development Application – Biodiversity  
Development Assessment Report Waiver**

Eco Logical Australia Pty Ltd (ELA) was engaged by Mirvac to provide further assessment on the impact of the Aspect Industrial Estate (AIE) Warehouse 9 State Significant Development Application (SSDA 46516461), located within Lots 1 – 5 DP 1285305 Mamre Road, Kemps Creek ('the development site') on biodiversity values.

In accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued for SSD 45616461 on the 16<sup>th</sup> of August 2022, the Environmental Impact Statement (EIS) is to include:

*An assessment of the proposal's biodiversity impacts is required in accordance with the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report (BDAR) where required under the Act, except where a waiver for preparation of a BDAR has been granted.*

It is noted that SSDA 10448 was accompanied by a Biodiversity Development Assessment Report (BDAR) (version 7, 2022) prepared by ELA, which assessed impacts to the entirety of the development site. Therefore, there will be no further impacts.

This letter addresses the above requirement as it provides an assessment of the proposals impact on biodiversity values in accordance with the NSW Department of Planning & Environment's 2018 *Biodiversity development assessment report waiver determinations for SSD and SSI applications fact sheet*.

The assessment included a literature and database review to provide relevant information to assess the potential impacts to biodiversity values from the proposed development. This includes the review of the previously submitted BDAR (version 7) dated 4 February 2022 and BDAR Updates Summary (version 2) dated 24 February 2022.

The assessment concluded that the Warehouse 9 SSD (46516461) will not have a significant impact on biodiversity values as all impacts have been previously assessed as part of the existing BDAR prepared for SSD 10488.

This assessment should be submitted to the Department of Planning and Environment (DPE) in support for a BDAR Waiver for the development.

Regards,

A handwritten signature in blue ink, appearing to read 'CB', with a horizontal line extending to the right.

Courtney Blick  
Environmental Consultant

# 1. Biodiversity Development Assessment Report Waiver Request Information

The information requirements for a BDAR waiver request, as outlined in the NSW Department of Planning and Environment's Guidelines, are provided in Table 1 Table 2.

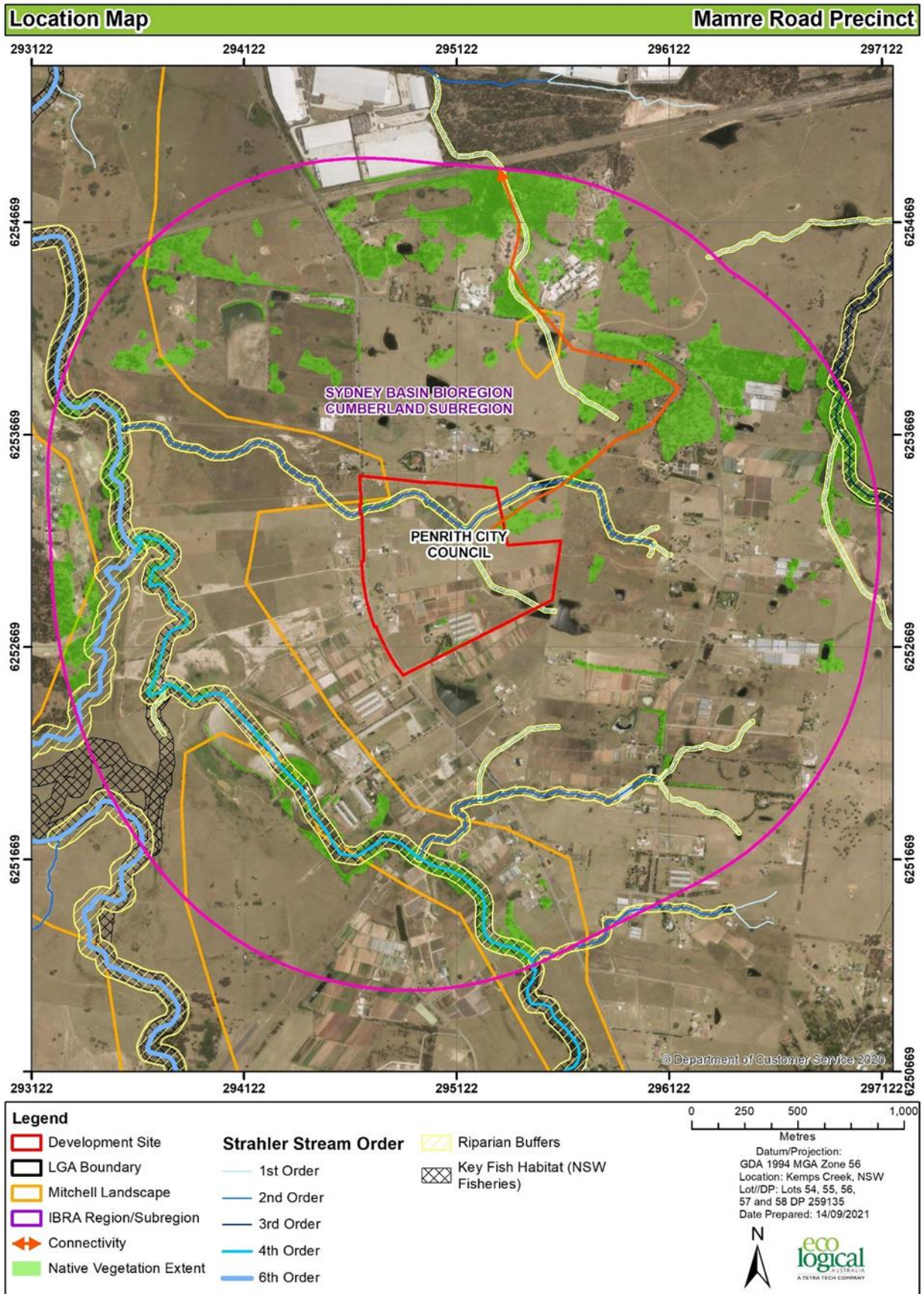
**Table 1: BDAR Waiver request information requirements**

Requirement	Information
Administration	<p><b>Proponent:</b> Mirvac Projects Pty Ltd</p> <p><b>Project ID:</b> SSD 46516461</p> <p><b>Progress:</b> Assessment</p> <p><b>Completed By:</b> Courtney Blick –Environmental Consultant (ELA), BSc Ecology and BA Environmental Humanities</p> <p><b>Reviewed By:</b> Alex Gorey – Senior Ecologist (ELA), Bsci (Environmental Science and Geography) and Master of Sustainability</p>
Site Details	<p><b>Street Address:</b> The site is located east of Mamre Road, Kemps Creek NSW 2178</p> <p><b>Lot and DP:</b> Lots 1 – 5 DP 1285305 Mamre Road, Kemps Creek</p> <p><b>Local Government Area (LGA):</b> Penrith City Council. The Department of Planning, Industry and Environment (DPIE) rezoned Mamre Road Precinct, including the site, in June 2020 under the <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i> (WSEA SEPP). As of 1 March 2022, 45 existing SEPPs were consolidated into 11. The WSEA SEPP was consolidated and repealed by Chapter 2 of the <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP). The site is primarily zoned IN1 (General Industrial) with a small sliver of land zoned C2 (Environmental Conservation)<sup>1</sup>.</p> <p>The development site is subject to Clause 2.43 of the Industry and Employment SEPP. Under Clause 2.43, clearing of native vegetation in lands zoned E2<sup>1</sup> Environmental Conservation and RE1 Public Recreation are not permissible without development consent.</p> <p><b>Existing Development Site:</b> The site is approximately 59.15 ha. The development site predominantly consists of exotic pasture, market gardens and farm dams. The development site contains one second order stream and several small, isolated patches of remnant native vegetation. There are several residential properties with managed gardens and one poultry shed.</p> <p>The BDAR was prepared as the development will impact on vegetation mapped on the Biodiversity Values Map (Accessed 17/12/2018). The BDAR was prepared to meet the requirements of the Biodiversity Assessment Method (BAM) established under Section 6.7 of the NSW BC Act.</p> <p>A location map is presented in Figure 1.</p>

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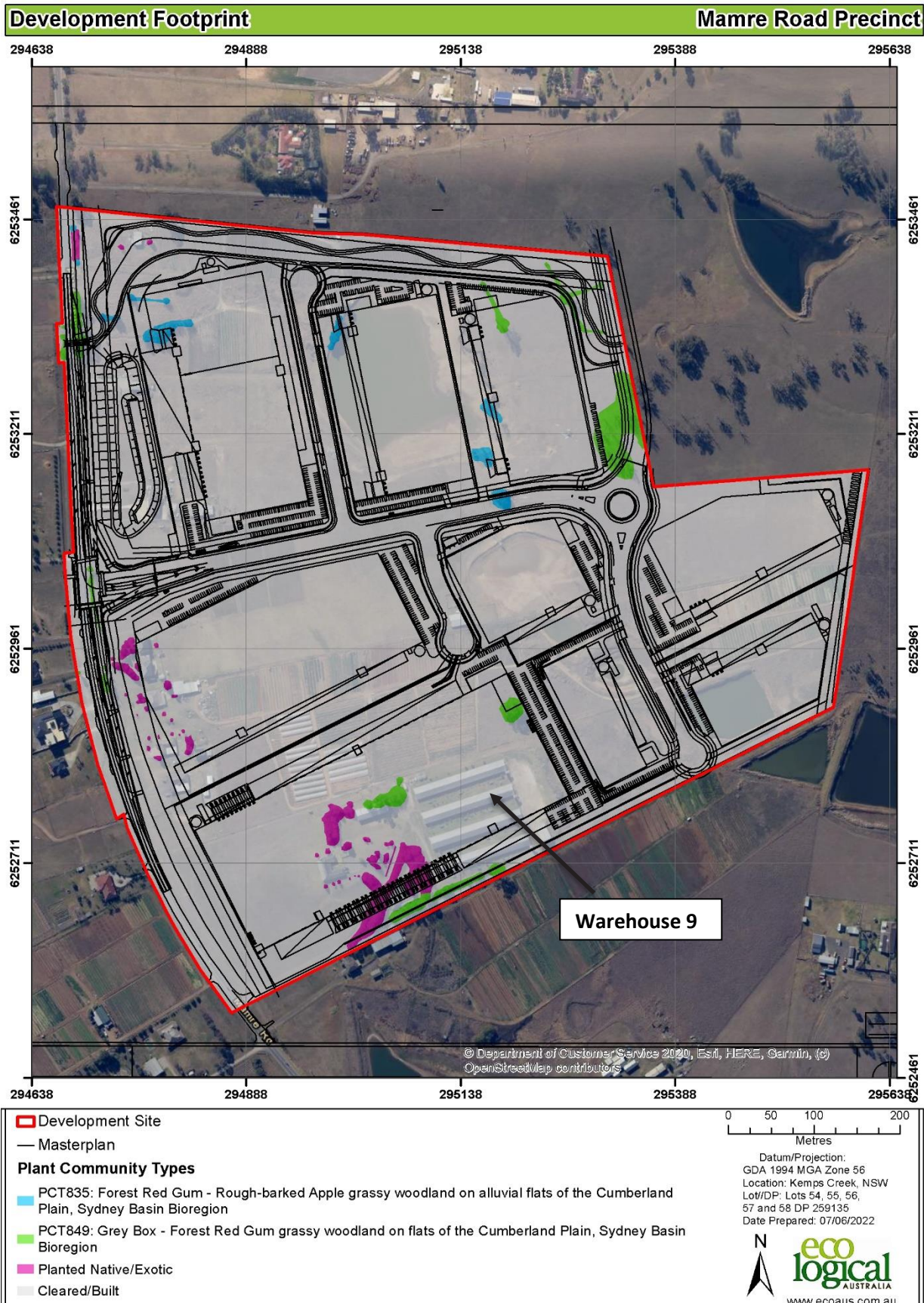
<sup>1</sup> Note: C2 zoning has superseded E2 zoning and serves the same function (Environmental Conservation), however the Industry and Employment SEPP still refers to E2 zoning.

Requirement	Information
Proposed Development	<p><u>Warehouse 9 SSD 46516461</u></p> <p>The SSDA will seek consent for the development of the AIE Warehouse 9, including construction of a new warehouse facility, carparking, offices and landscaping. Specifically, the Warehouse 9 SSDA will seek consent for:</p> <ul style="list-style-type: none"> <li>• Construction of new 65,000 m<sup>2</sup> building for use as 'warehouse &amp; distribution'.</li> <li>• The following works are proposed in support of the warehouse building operations: <ul style="list-style-type: none"> <li>○ 256 parking spaces across the lot's north-and eastern frontages with driveway access to/from Access Road 4.</li> <li>○ Appropriate hardstand areas, 36 m wide north and 36 m south of Warehouse 9.</li> <li>○ Internal truck access roads with access from Access Road 3 to the east and egress to Access Road 4 to the north.</li> <li>○ Appropriate loading dock areas at the north and south elevations.</li> <li>○ 150 m<sup>2</sup> Dock Office at the north elevation</li> <li>○ 60 m<sup>2</sup> Dock Office at the south elevation</li> <li>○ 1,400 m<sup>2</sup> Main Office at the eastern elevation.</li> </ul> </li> <li>• Fit out of the warehouse for the proposed use.</li> <li>• Construction of vehicular crossovers to Access Road 4 (egress) and Access Road 3 (ingress).</li> <li>• On lot landscaping.</li> <li>• On lot stormwater management.</li> <li>• On lot infrastructure servicing.</li> </ul> <p>Operation of the warehouse &amp; distribution facility 24 hours a day 7 days a week.</p>



**Figure 1: Location of the proposed development (ELA 2022)**





**Figure 2: Development footprint and impacts to vegetation assessed under the existing BDAR (ELA 2022)**

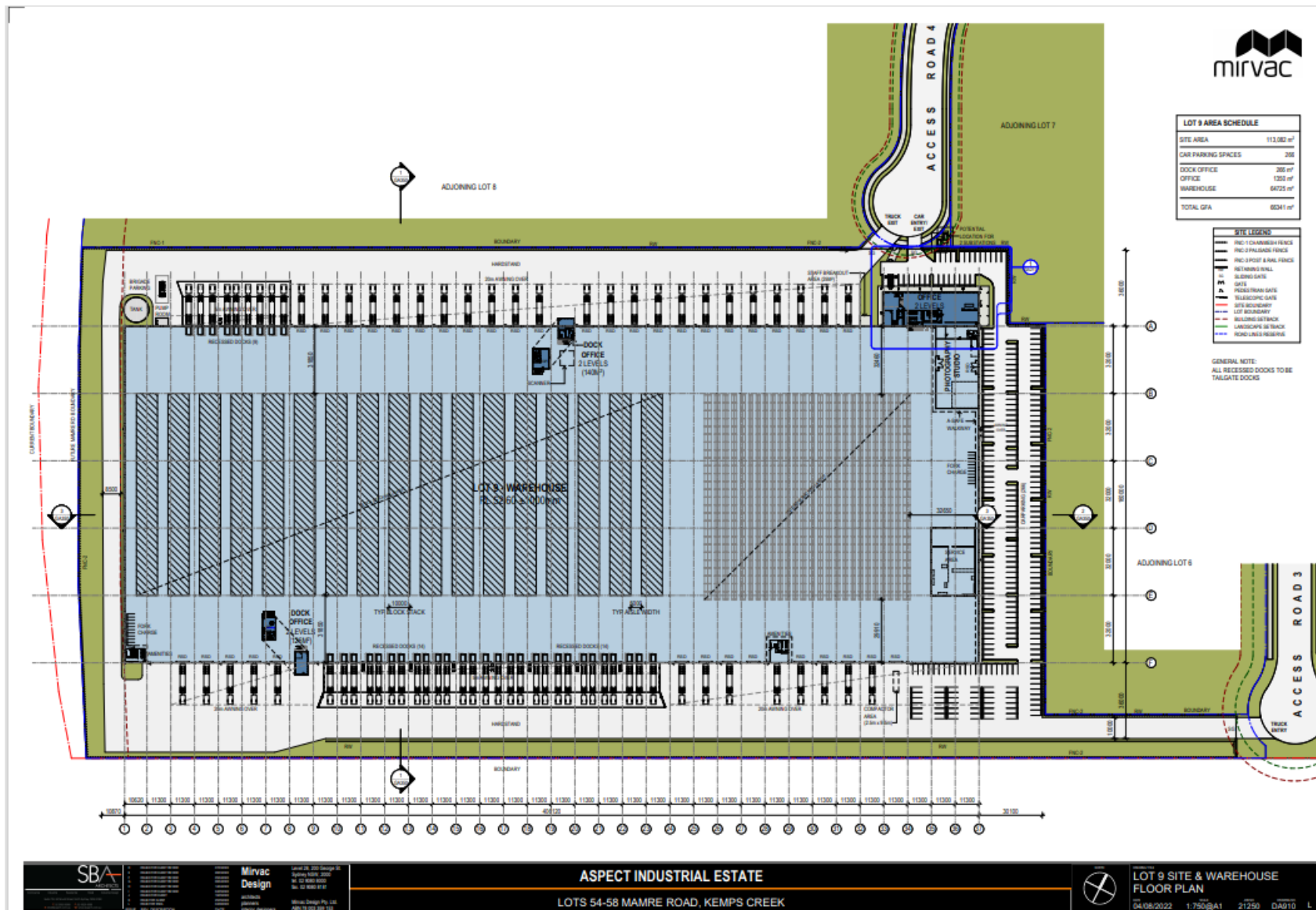


Figure 3: The proposed Warehouse 9 development (SBA Architects, 2022)



**Table 2: Criteria to assess biodiversity under the BC Act and BC Regulation**

Biodiversity Value	Meaning	Relevant	Discussion of values within the site
<i>Biodiversity Conservation Regulation 2017 (Clause 1.4)</i>			
a) Threatened Species Abundance	The occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site.	N/A	<p>The original SSDA proposed bulk earthworks across the entirety of the development site, as such all impacts to biodiversity have been previously assessed under the BAM in the existing BDAR (ELA 2022).</p> <p>Given that:</p> <ul style="list-style-type: none"> <li>all the native vegetation was proposed to be cleared as part of the original SSDA, including the areas where Warehouse 9 is proposed; and</li> <li>Warehouse 9 is not extending the project site boundary;</li> </ul>
b) Vegetation Abundance	The occurrence and abundance of vegetation at a particular site.	N/A	<p>There will be no further impacts to biodiversity as a result of the proposed Warehouse 9 development. The Warehouse 9 development footprint is presented in Figure 2 and Figure 3.</p>
c) Habitat Connectivity	The degree to which a particular site connects different areas of habitat of threatened species to facilitate movement of those species across their range.	N/A	<p>The following figures display the vegetation and threatened species habitat which were assessed as part of the bulk earthworks SSDA (SSD 10488). Figure 4 displays impacts to native vegetation which requires offset under the BAM. This includes the removal of 1 tree. Figure 5 displays impacts to vegetation which does not require assessment under the BAM. This includes vegetation with a vegetation integrity score of &lt; 15. Figure 6 displays areas within the development site which do not require assessment. This includes the majority of the development footprint, which contains hardstand infrastructure or exotic pasture where no native vegetation is present.</p> <p>The area where Warehouse 9 is proposed consisted of Planted Native/Exotic Vegetation and PCT 849 with a vegetation integrity score of &lt; 15. Further, this area contained one tree consistent with PCT 849 that also provided habitat for <i>Myotis macropus</i> (Southern Myotis). Potential biodiversity impacts relating to vegetation integrity and habitat suitability have already been assessed and mitigated through the preparation of the BDAR that accompanied SSD 10488 (version 7) dated 4 February 2022 and BDAR Updates Summary (version 2) dated 24 February 2022. Further the proponent has prepared both a Vegetation Management Plan and Flora and Fauna Management Plan for the entire Project site. .</p>
d) Threatened Species Movement	The degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle;	N/A	
e) Flight Path Integrity	The degree to which the flight paths of protected animals over a particular site are free from interference.	N/A	
f) Water Sustainability	The degree to which water quality, water bodies and hydrological	N/A	



Biodiversity Value	Meaning	Relevant	Discussion of values within the site
	processes sustain threatened species and threatened ecological communities at a particular site.		
<b>Biodiversity Conservation Act 2016 (Clause 1.5 (2))</b>			
a) Vegetation Integrity	The 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	<p>The original SSDA proposed bulk earthworks across the entirety of the development site, as such all impacts to biodiversity have been previously assessed under the BAM in the existing BDAR (ELA 2022).</p> <p>Given that:</p> <ul style="list-style-type: none"> <li>all the native vegetation was proposed to be cleared as part of the original SSDA, including the areas where Warehouse 9 is proposed; and</li> <li>Warehouse 9 is not extending the project site boundary;</li> </ul>
b) Habitat Suitability	The degree to which the habitat needs of threatened species are present at the particular site.	N/A	<p>There will be no further impacts to biodiversity as a result of the proposed Warehouse 9 development. The Warehouse 9 development footprint is presented in Figure 2 and Figure 3.</p> <p>The following figures display the vegetation and threatened species habitat which were assessed as part of the bulk earthworks SSDA (SSD 10488). Figure 4 displays impacts to native vegetation which requires offset under the BAM. This includes the removal of 1 tree. Figure 5 displays impacts to vegetation which does not require assessment under the BAM. This includes vegetation with a vegetation integrity score of &lt; 15. Figure 6 displays areas within the development site which do not require assessment. This includes the majority of the development footprint, which contains hardstand infrastructure or exotic pasture where no native vegetation is present.</p> <p>The area where Warehouse 9 is proposed consisted of Planted Native/Exotic Vegetation and PCT 849 with a vegetation integrity score of &lt; 15. Further, this area contained one tree consistent with PCT 849 that also provided habitat for <i>Myotis macropus</i> (Southern Myotis). Potential biodiversity impacts relating to vegetation integrity and habitat suitability have already been assessed and mitigated through the preparation of the BDAR that accompanied SSD 10488 (version 7) dated 4 February 2022 and BDAR Updates Summary (version 2) dated 24 February 2022. Further the proponent has prepared both a Vegetation Management Plan and Flora and Fauna Management Plan for the entire Project site. .</p>



**Figure 4: Impacts requiring offset under existing BDAR**



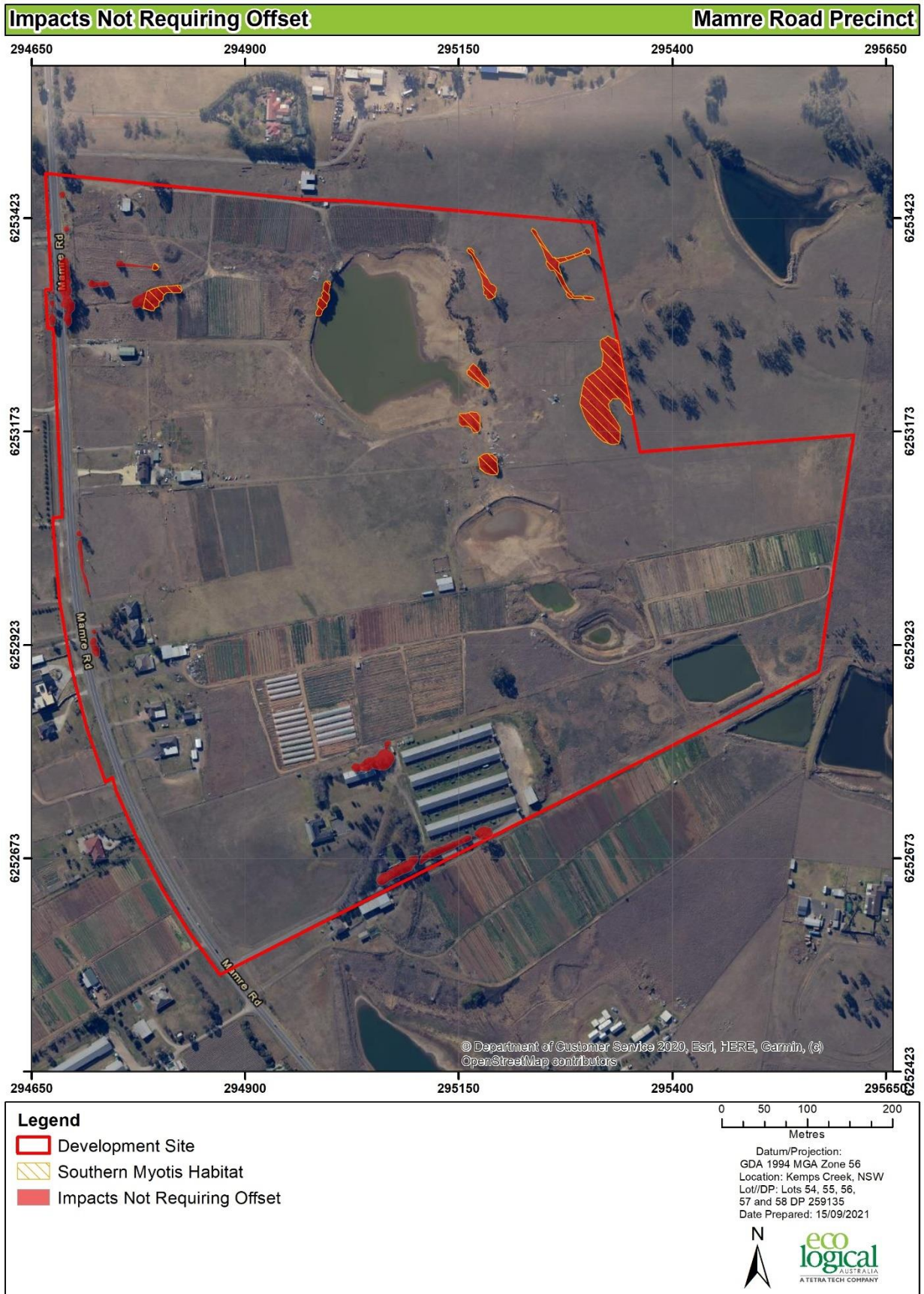


Figure 5: Impacts not requiring offset under existing BDAR (ELA 2020)





**Figure 6: Impacts not requiring Assessment under existing BDAR (ELA 2022)**