

Department of Planning Industry and Environment  
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Parramatta NSW 2150

Attn: Bruce Zhang, Industry Assessments  
Planning and Assessment Group

CC: Susan Harrison, Marnie Stewart (Greater  
Sydney Branch Biodiversity and Conservation)

6 July 2021

## OAKDALE WEST ESTATE SSD 22191322 - Stage 5 - BDAR WAIVER

Goodman Property Services (Aust.) Pty Ltd (the proponent) is seeking a Biodiversity Development Assessment Report (BDAR) Waiver under s7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act).

The BDAR Waiver being sought is for Oakdale West Estate SSD 22191322 - Stage 5 (Bldg 4E).

On behalf of the proponent, the enclosed information addresses the information requirements in Tables 1 and 2 at Attachment A of the Department's guidance document 'How to apply for a biodiversity development assessment report waiver for a Major Project Application.' (DPIE, 2019).

We trust that the enclosed information sufficiently justifies why the requested BDAR Waiver under s7.9(2) of the BC Act can be approved.

Yours faithfully,



Kat Duchatel  
BSc. Env. CEnvP EIANZ no. 691  
BAM Accreditation no. BAAS17054

**Encl:**

- Table 1 and Table 2: (Attachment A, DPIE, 2019 - information required)
- Table 3: Consent conditions and status in relation to development consent history
- Figure 1: Site Context - approved vegetation clearance and retained vegetation within the estate
- Figure 2: Biodiversity Context - biodiversity management areas and wildlife corridors
- Figure 3: Lot 4E - biodiversity context

Table 1. Biodiversity development assessment report waiver request information

Administration	<p><b>Proponent name</b> Goodman Property Services (Aust) Pty Ltd</p> <p><b>Contact details</b> Stephanie Partridge, Senior Development Manager Tel: +61 2 9230 7169   Mob: +61 410 470 138   Stephanie.Partridge@goodman.com</p> <p><b>Project ID</b> <b>Oakdale West Estate SSD 22191322 - Stage 5</b> <b>SSD 22191322 - Stage 5 Development Application (Lot 4E)</b></p> <p><b>Name and ecological qualifications of person completing Table 2.</b> Kat Duchatel BSc. Env. BAAS No.17054   CEnvP EIANZ No.691</p>
Site details	<p>2 Aldington Road, Kemp Creek NSW 2178</p> <p>Legally identified as Lot 26 DP 12629741</p> <p>Penrith Local Government Area</p>
Proposed development	<p><b>SSD 22191322:</b> Stage 5 Development Application (Lot 4E) - Fit-out and use of Building 4E as the first stage of development within Precinct 4, comprising a warehouse and associated car and truck parking, office facilities and loading bays along with landscaping, signage, solar panels and lighting and includes subdivision approval.</p>
Impacts on biodiversity values	<p>The proposal will not impact on any biodiversity values as all necessary clearing has been completed compliantly with the Oakdale West SSD7348 concept plan consent.</p> <p>No further vegetation or habitat removal is required from any of the Precincts within the Estate (see photo plate below).</p> <p>The majority of native vegetation that has been retained is located within Biodiversity Management Areas (BMAs), with smaller areas located in easements and outside of developable estate areas.</p> <p>It should be noted that the toe of the proposed eastern embankment to Lot 4E is in close proximity to an area of retained native vegetation (see Figure 3). However, it is considered that the likelihood of any inadvertent damage or clearing of this vegetation is a low risk, due to the following:</p> <ul style="list-style-type: none"> <li>• The retained vegetation that is in close proximity to Lot 4E’s embankment footprint comprises the outermost extent of the mapped retained vegetation and comprises only a very small and less densely vegetated area;</li> <li>• The embankment slope is relatively gentle at a gradient of 1:8 and can be installed within a smaller construction footprint than would normally be required for more steeply sloping embankments;</li> <li>• Implementation of the following mitigation measures:             <ul style="list-style-type: none"> <li>○ Retained vegetation is to be appropriately demarcated with readily visible signage to plant operations that it is a ‘no go’ construction zone;</li> <li>○ Erosion and sediment controls must be installed to protect the retained vegetation from potential sediment laden runoff during construction and up until the embankment is adequately stabilised (noting that sediment controls</li> </ul> </li> </ul>

may be combined with demarcation of the vegetation, given the limited construction area);

- Removal of erosion and sediment controls once the embankment is adequately stabilised; The induction process for all contractors working within this location must provide a detailed description of the following:
  - The environmental sensitivity of this vegetation, which is a remnant stand of a critically endangered ecological community under both State and Federal legislation;
  - Legal duty of care to ensure that no deliberate or inadvertent clearing or damage resulting from the activities being undertaken; and
  - The penalties that apply under both State and Federal legislation for any deliberate or inadvertent clearing or damage resulting from the activities being undertaken.
- The contractor must continually monitor works within this area to ensure that erosion and sediment controls are functioning optimally and compliance with site induction requirements are being adhered to.



Photo plate: aerial view of Oakdale West Estate showing the existing cleared environment, with vegetation in the foreground and background (left side of photo) located outside of the Estate’s boundary. Vegetation in background (right side of photo) comprises biodiversity management areas within the Estate and neighbouring Oakdale Central and South Estates.

**Table 2. Impacts of the proposed development on biodiversity values**

Biodiversity value	Meaning	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
Vegetation abundance - 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	All vegetation has been cleared compliant with SSD7348 consent conditions within the Estate’s Precincts. Retained native vegetation within the Estate is conserved within Biodiversity Management Areas (BMAs) along the east and west boundaries of the Estate (approx. 17.7 ha), see Figure 1 and Figure 2.
Vegetation integrity 1.5(2)(a) 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	<p>Retained native vegetation within the Estate and surrounding landscape has been historically degraded by the impacts of agriculture and development.</p> <p>Approximately 4.4 ha of the western BMA is being improved through the implementation of the Oakdale West Vegetation Management Plan (VMP). The remaining 13.3 ha is protected and subject to passive regeneration and weed control under the Applicant’s general biosecurity duty in accordance with the Biosecurity Act.</p> <p>Additional BMAs are located along the Ropes Creek riparian corridor within Oakdale Central and South Estates, which are being actively restored and rehabilitated under site specific VMPs.</p>
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	<p>Potential impacts on habitat for threatened species were assessed within the SSD7348 BDAR. No threatened species were found present within the Estate prior to commencement of its development. Clearing of native vegetation within the development areas of the Estate have been offset compliantly under the BC Act (refer Table 3) and a controlled action approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). The following ecological communities are present within the BMAs of the Estate:</p> <ul style="list-style-type: none"> <li>• PCT 835: Cumberland riverflat forest Listed EPBC Act, CE: River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria (Equivalent) Listed BC Act, E: River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Equivalent)</li> <li>• PCT 849: Cumberland shale plains woodland Listed EPBC Act, CE: Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (Equivalent)</li> </ul>

Biodiversity value	Meaning	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
		<p>Listed BC Act, CE: Cumberland Plain Woodland in the Sydney Basin Bioregion (Equivalent)</p> <ul style="list-style-type: none"> <li>PCT 850: Cumberland shale hills woodland</li> </ul> <p>Listed EPBC Act, CE: Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (Equivalent)</p> <p>Listed BC Act, CE: Cumberland Plain Woodland in the Sydney Basin Bioregion (Equivalent)</p> <ul style="list-style-type: none"> <li>PCT 1800: Cumberland Swamp Oak riparian forest</li> </ul> <p>Listed EPBC Act, E: Coastal Swamp Oak (<i>Casuarina glauca</i>) Forest of South-east Queensland and New South Wales (Part)</p> <p>Listed BC Act, E: Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Equivalent);</p> <p>The Estate does not contain any geological features of significance, rocks or non-native vegetation (prescribed under clause 6.1(1)(a) of the BC Regulation). Previous human made structures present within the Estate Precincts were demolished, excluding electricity transmission infrastructure. All current human made structures have been recently built and do not provide habitat for any threatened species.</p>
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	<p>Potential impacts on habitat for threatened species were assessed within the SSD7348 BDAR. No threatened species were found present within the Estate prior to commencement of its development.</p> <p>Sizeable areas of habitat have been retained within the BMAs of the Estate. The western BMA is separated from development in adjacent Precincts through retention and screening walls. The eastern BMA is largely separated from Precincts within the Estate by a transmission easement, with the exception of Precinct 6. Riparian land immediately adjacent Precinct 5 is currently being restored in accordance with the Oakdale West Vegetation Management Plan (VMP).</p> <p>See Figures 1 and 2.</p>
Habitat connectivity 1.4(c) BC Regulation	Degree to which a particular site connects different areas of habitat	<p>Habitat connectivity is provided through the BMAs within the Estate. The eastern BMA is continuous with Ropes Creek, which provides a substantial wildlife corridor. Implementation of the Estate’s VMP has significantly increased the width of the riparian corridor and is improving</p>

Table 2 (Waiver Request Information)

Biodiversity value	Meaning	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
	of threatened species to facilitate the movement of those species across their range	<p>habitat through weed control, planting of fully structured vegetation areas and passive regeneration. Figure 2 illustrates available habitat connectivity including adjacent BMA areas in Oakdale Central and South Estates and the Erskine Park Biodiversity Corridor.</p> <p>A fauna tunnel was also installed within the embankment of the bridge over the Warragamba Pipelines, which provides habitat connectivity within the Erskine Park Biodiversity Corridor to the north of the Estate.</p>
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	<p>Potential impacts on habitat for threatened species were assessed within the SSD7348 BDAR. No threatened species were found present within the Estate prior to commencement of its development.</p> <p>Regardless the habitat connectivity has been considered (refer above).</p>
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	<p>Not applicable</p> <p>The Estate’s development does not impact on flight path integrity.</p>
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	<p>Construction and operation of the Estate is being undertaken in compliance with a Department approved stormwater management system, which includes erosion and sediment control devices; piped stormwater drains; on-site bio-retention basins; and outlets discharging to Ropes Creek and a tributary of South Creek. The Department was satisfied that any indirect impacts on biodiversity, as a result of erosion and sedimentation, would not be significant.</p> <p>The stormwater management system has been designed to meet Council requirements to ensure post-development flows do not exceed pre-development flows downstream, and therefore not impact on hydrological processes that may sustain threatened species and threatened ecological communities.</p>

Table 2 (Waiver Request Information)

Table 3. Consent conditions and status in relation to development consent history

SSD reference	Consent condition	Status
SSD 7348	<b>D88.</b> The Applicant must prepare a Flora and Fauna Management Plan (FFMP) for Stage 1, to the satisfaction of the Planning Secretary.	Completed compliantly
SSD 7348	<b>D89.</b> Bulk earthworks are not to commence until the FFMP is approved by the Planning Secretary and the most recent approved version of the FFMP is to be implemented for the duration of bulk earthworks and construction.	Completed compliantly
SSD 7348	<b>D90.</b> Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must retire 172 ecosystem credits to offset the removal of 4.41 hectares of native vegetation on the Site.	Amended in MOD 1
MOD 1	<b>D90.</b> Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must retire 173 ecosystem credits to offset the removal of 4.38 hectares of native vegetation on the Site.	Completed compliantly
SSD 7348	D91. The Applicant shall establish a Biodiversity Offset Area on the Site, consistent with the area described in the RTS, in accordance with a Biodiversity Stewardship Agreement with the Biodiversity Conservation Trust. D92. The Applicant must maintain the Biodiversity Offset Area on the Site in accordance with a Biodiversity Management Action Plan approved by the Biodiversity Conservation Trust (BCT).	Deleted in MOD 1
MOD 1	SSD 7348 Conditions D91 and D92 deleted and new Condition D91 inserted as follows: <b>D91.</b> Within 12 months of the date of the approval of MOD 1, or as otherwise agreed with the Planning Secretary, the Applicant must prepare and implement a VMP for the restoration and rehabilitation of 4.2 ha of Riparian Corridor adjacent to Ropes Creek to meet the objectives of the <i>Water Management Act 2000</i> .	Amended in MOD 6
MOD 6	Approval granted to amend the VMP extent as follows: <ul style="list-style-type: none"> <li>Remove locations adjacent to the future SLR (due to future disturbance from its construction)</li> <li>Increase the extent from 4.2 to 4.45 ha</li> <li>Provide a wider riparian zone, which connects to isolated patches of retained vegetation</li> </ul>	VMP currently being implemented.
SSD 7348	<b>D93.</b> Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must: Offset 0.42ha of vegetation lost in the Erksine Park Biodiversity Corridor as a result of the WNSLR by carrying out planting within the area shown in the green edging on	Amended in MOD 5

SSD reference	Consent condition	Status
	Figure 9 (Appendix 6 of consent conditions). Plant the areas shown in the green edging on Figure 9 (Appendix 6 of consent conditions) with species similar to those identified for zone 4a, on the south-eastern side of Ropes Creek, in the Biodiversity Management Plan Erskine Park Employment Area (HLA-Envirosciences, 2 May 2006).	
MOD 5	<p>MOD 5 sought to amend the area within which offsetting is take place due to this area no longer being available for this purpose.</p> <p>In consultation with the Planning Ministerial Corporation a new location has been agreed on and a VMP prepared and submitted with MOD 5 that details the amended location and methods in which the now obsolete Condition D93 will be fulfilled. Conditions D94 and D95 remain unchanged.</p>	Currently being implemented
SSD 7348	<p>D94. The Applicant shall monitor and maintain the planting for a period of six months to ensure a minimum 85% planting survival rate.</p> <p>D95. The Applicant must notify the Planning Ministerial Corporation at least one month before the completion of planting to enable the Planning Ministerial Corporation to arrange ongoing maintenance.</p>	
SSD 7348	<b>D96.</b> Prior to construction of Stage 1, the Applicant must implement snake management measures to limit, to the extent practicable, movement of snakes from the Site into the adjacent school and retirement village on the western boundary of the Site. The measures (provision of alternative snake habitat on Site, fencing along the western boundary and installation of snake deterrents) shall be detailed in the CEMP.	Completed compliantly
MOD 3	Approved on the 3rd April 2020, and as relevant to biodiversity matters, MOD 3 amended the extent of native vegetation along the western extent of Precinct 2 to be cleared. The net result of amended clearing had no negative impact on the overall areas of native vegetation approved to be cleared under SSD 7348 and all subsequent modifications.	To be noted
MOD 6	Approved 10 March 2021. Relevant to biodiversity matters the extent of the Oakdale VMP was amended. The Department concluded the proposed modified, larger VMP area would maintain the biodiversity outcome as previously approved.	To be noted



Figure 1. Site Context

Legend






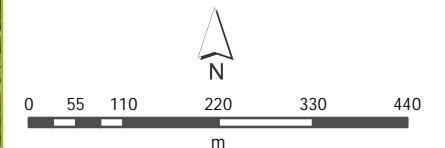
-  Oakdale West boundary
-  Precincts
-  Biodiversity management areas
-  Vegetation cleared under approval
-  Vegetation retained outside of BMA

Figure 2. SSD 22191322  
Stage 5 site context



Legend






- Oakdale West Estate
- LOT 4E
- Building 4E
- Precinct 1
- Precinct 2
- Precinct 3
- Precinct 4
- Precinct 5
- Future SLR
- Biodiversity Management Area
- Other retained vegetation

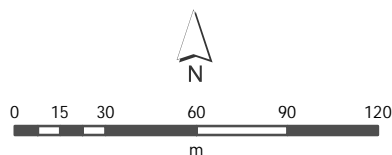




Coordinate System: MGA Zone 56 (GDA 2020) | Image sources: Nearmap 5 June 2021

Legend

-  Oakdale West Estate
-  LOT 4E
-  Building 4E
-  Existing sediment control
-  Biodiversity Management Area



Oakdale West Estate

Figure 3. SSD 22191322 Stage 5