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BDAR Waiver Application – ARDEX, Kemps Creek Warehouse



657–769 Mamre Road, Kemps Creek

ARDEX, Kemps Creek Warehouse

Prepared for: Altis Property Partners Pty Ltd and Frasers Property Australia

21 October 2021 Version: 2.2 Final Revised

PROJECT NUMBER	2021-123			
PROJECT NAME	BDAR Waiver Application – ARDEX, Kemps Creek Warehouse			
PROJECT ADDRESS	657–769 Mamre Road, Kemps Creek			
PREPARED FOR	Altis Property Partners Pty Ltd and Frasers Property Australia			
AUTHOR/S	Brendan Fletcher			
REVIEW	Technical	QA	Version	Date to client
	Ed Cooper		1.0 – Draft	17 August 2021
	Sophie Starrett		2.0 – Final	6 September 2021
	Sophie Starrett		2.1 – Final (Revised)	21 October 2021
	Sophie Starrett		2.2 – Final (Revised)	05 November 2021
LICENCES	Scientific Licence		SL101557	
	Bionet Sensitive Species Data Licence		1115	
	Animal Research Authority Ethics Licence		Fauna Surveys and Monitoring (16/346)	
	Scientific Collection - Aquatic		P19/0009-1.0 & OUT19/2602	

This report should be cited as: ‘Ecoplanning (2021). BDAR Waiver Application – ARDEX, Kemps Creek Warehouse– 657–769 Mamre Road, Kemps Creek. Prepared for Altis Property Partners Pty Ltd and Frasers Property Australia.’

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Glossary and abbreviations

Acronym	Description
AOBV	Area of Outstanding Biodiversity Value
BC Act	NSW <i>Biodiversity Conservation Act 2017</i>
BC Reg	<i>Biodiversity Conservation Regulations 2017</i>
BDAR	Biodiversity Development Assessment Report
BDAR Waiver	Biodiversity Development Assessment Report Waiver
BV Map	Biodiversity Values Map
DAWE	Commonwealth Department of Agriculture, Water and the Environment
DFSI	NSW Department of Finance, Services and Innovation
DotE	Commonwealth Department of the Environment (now DAWE)
DPIE	Department Planning, Industry and Environment
EEC	Endangered Ecological Community
ha	Hectare(s)
IBRA	Interim Bioregionalisation of Australia
km	Kilometre
LGA	Local Government Area
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
PCT	Plant Community Type
PMST	Commonwealth Protected Matters Search Tool



1 Introduction

1.1 Background

This application for a Biodiversity Assessment Report waiver (BDAR waiver) has been prepared to accompany the response to the Secretary’s environmental assessment requirements (SEARs) for the proposed development of ARDEX Kemps Creek Warehouse. The proponent, Altis Property Partners Pty Ltd and Frasers Property Australia (Altis and Frasers), seeks to construct a warehouse and manufacturing facility at the previously approved warehouse, logistics and industrial facilities hub at 657–769 Mamre Road, Kemps Creek (DPIE 2020). The development will also require subdivision of Lot 10 of the previously approved facilities hub. The proposed development will be assessed as a State Significant Development (SSD) under the *Environmental Planning and Assessment Act 1979* (EPA Act).

The biodiversity assessment required for SSD is described in Section 7.9 of the *Biodiversity Conservation Act 2016* (BC Act). Clause 2 of section 7.9 of the BC Act provides that an application for development consent for SSD:

is to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

A determination that a proposed SSD is not likely to have any significant impact on biodiversity values removes the requirement to prepare a biodiversity development assessment report (BDAR). For proposed development where biodiversity impacts are limited or have already been assessed, SSD proponents may submit information to the Planning Agency Head and the Environment Agency Head to assist them in determining whether the development is likely to have any significant impact on biodiversity values. This process is known as applying for a BDAR waiver (DPIE 2019). Examples of when a BDAR waiver may be appropriate include internal works to an existing building or development on a brownfield site with no threatened species habitat (DPIE 2019). A BDAR is also not required if the SSD is proposed to be carried out on biodiversity certified land as provided in Part 8 of the BC Act.

The Planning Secretary’s Environmental Assessment Requirements (SEARS), issued 3 September 2021, requested that a BDAR be prepared where required under the BC Act, *except where a waiver for preparation of a BDAR has been granted*.

The purpose of this report is to apply for a waiver from the requirement that a BDAR be prepared on the ground that the proposed development is not likely to have any significant impact on biodiversity values. The entirety of the report addresses the Biodiversity item in the SEARS (**Table 1.1**). It was approved by Lucas McKinnon, an Accredited Biodiversity Assessment Method Assessor (BAAS17012). The report follows the steps outlined in ‘How to apply for a biodiversity development assessment report waiver for a Major Project Application’ (DPIE 2019). It addresses the information requirements set out in Tables 1 and 2 at Attachment A of the DPIE BDAR waiver application guide.

Table 1.1: Report sections responding to SEARS

SEARS Item	Report Sections Responding to SEARS
Biodiversity	Sections 1 – 4



1.2 Location and site identification

The ‘**study area**’ for this application incorporates portions of Lot 34 // DP 1118173, Lot 1 // DP 1018318, Lot X // DP 421633, Lot Y // DP 421633 and Lot 22 // 258414 at 657–769 Mamre Road, Kemps Creek, NSW (**Figure 1.1**). This consists of the area encompassed by the facilities hub approved in the consent for SSD 9522 (DPIE 2020) The study area is situated in the Penrith Local Government Area (LGA) and is zoned RU2 – Rural Landscape with E2 – Environmental Conservation zoning of the land directly adjacent to South Creek, pursuant to the Penrith Local Environment Plan 2010. The land within the study area covers an area of approximately 86.77 ha. Impacts to the biodiversity values for the entire study area were assessed in Ecoplanning (2020).

The ‘**subject land**’ for this application consists of that part of the facilities hub to be subdivided, including that portion to be developed as a warehouse and manufacturing facility for ARDEX (**Figure 1.1**). The subject land is currently designated as Lot 10 of the approved facilities hub and is surrounded on all sides by land covered by the development consent for SSD 9522 (**Figure 1.2**). The subject land is bounded by planned public access roads on the south and east side, and largely by land classified as for bio-basin and recreational/open space purposes on the west and north sides. The subject land covers an area of approximately 145,339 sqm (14.53 ha). This application for a BDAR waiver assesses the impacts of the proposed development on the subject land, taking into account the previous assessment in Ecoplanning (2020).

1.3 Proposed development

The proposed development involves subdividing existing Lot 10 into proposed Lots 11 and 12 (**Figure 1.3**). Proposed Lot 12 would be the site of a 43,682 sqm warehouse and associated manufacturing, transportation and office facilities. Proposed Lot 11 would remain as a residue allotment for future warehousing / industrial development (as part of separate development applications).

The description of the proposed works is to construct, fit out and operate a manufacturing facility and associated warehouse facility at 657-769 Mamre Road, Kemps Creek (proposed Lot 12) which will be occupied and operated by Ardex. This includes the following:

- Minor earthworks involving cut and fill works, site preparation works and the establishment of a building pad;
- Infrastructure comprising civil works and augmentation of utilities servicing;
- Construction, internal fit out and operation of a manufacturing facility and warehouse (27,470m²), comprising:
 - Manufacturing areas and associated warehouse (24,970m²)
 - Ancillary office areas (2,500m²)
 - 163 car parking spaces and 12 bicycle spaces
 - Powder silo tower
 - Liquid silo tower
 - Associated business identification signage
 - Site Landscaping (4,348m²)
 - 13 loading docks
 - Three (3) vehicle crossovers



- Production capacity up to approximately 48,000 tonnes per annum (tpa) of powder products, resulting in an indicative weekly maximum of 932.0 tonnes and daily maximum of 131.5 tonnes;
- Production capacity up to approximately 25,000 KL per annum of liquid products, resulting in an indicative weekly maximum of 480.7 KL and daily maximum of 68.5 KL;
- Storage of dangerous goods, comprising:
 - Class 2.1 – LPG
 - Class 3 – Flammable Liquid
 - Clause 4.1 – Flammable Solids
 - Clause 5.1 – Oxidising Substances
 - Clause 6.1 – Sub-risk Toxic Substances
 - Class 8 – Corrosive Substances
- Hours of operation being on a 24 hours per day, 7 days per week, basis; and
- Torrens Title subdivision to create the subject allotment (proposed Lot 12) measuring approximately 4.3ha

The site plan of the proposed warehouse / manufacturing facility is shown in **Figure 1.4**.



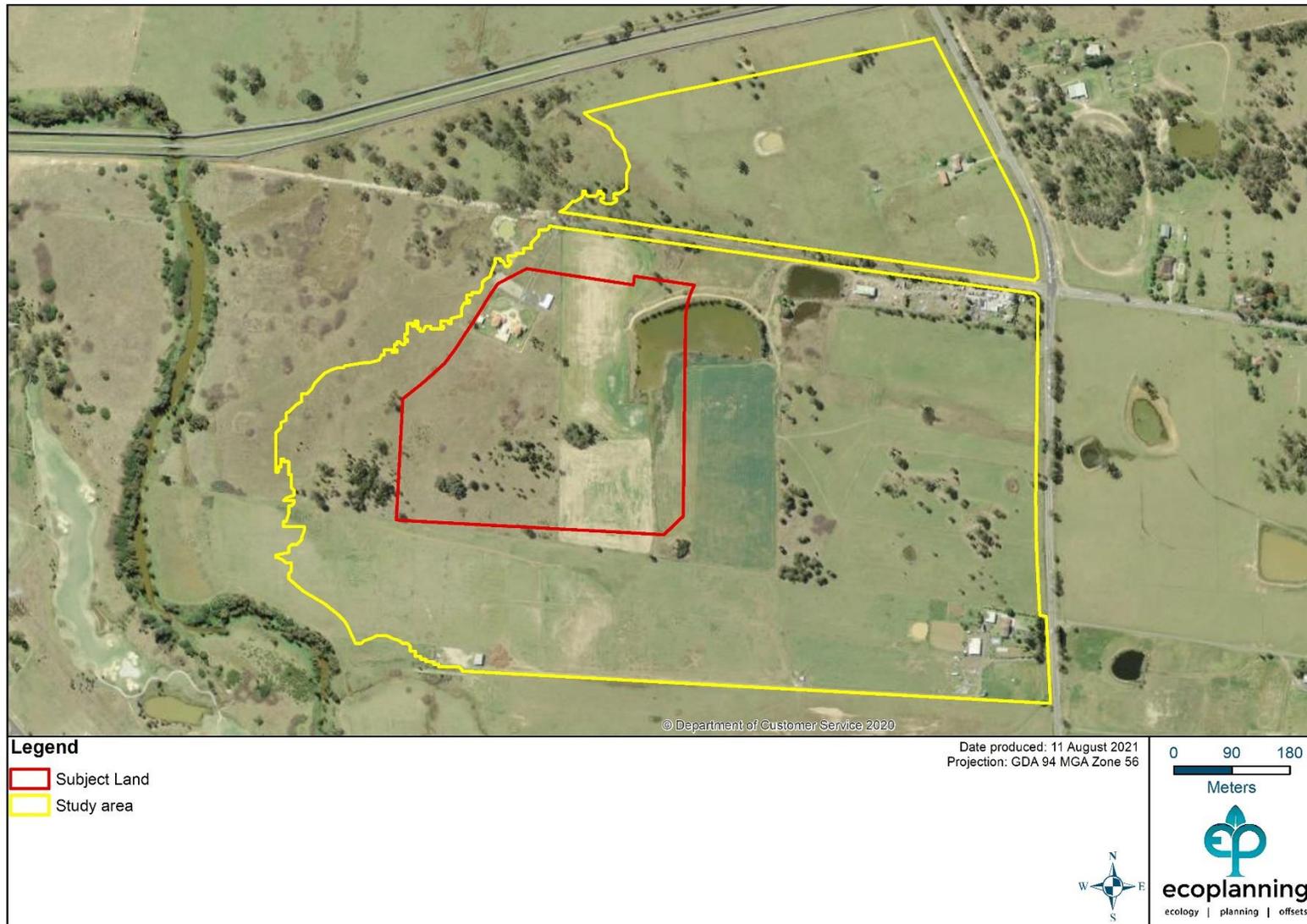


Figure 1.1: The study area and the subject land

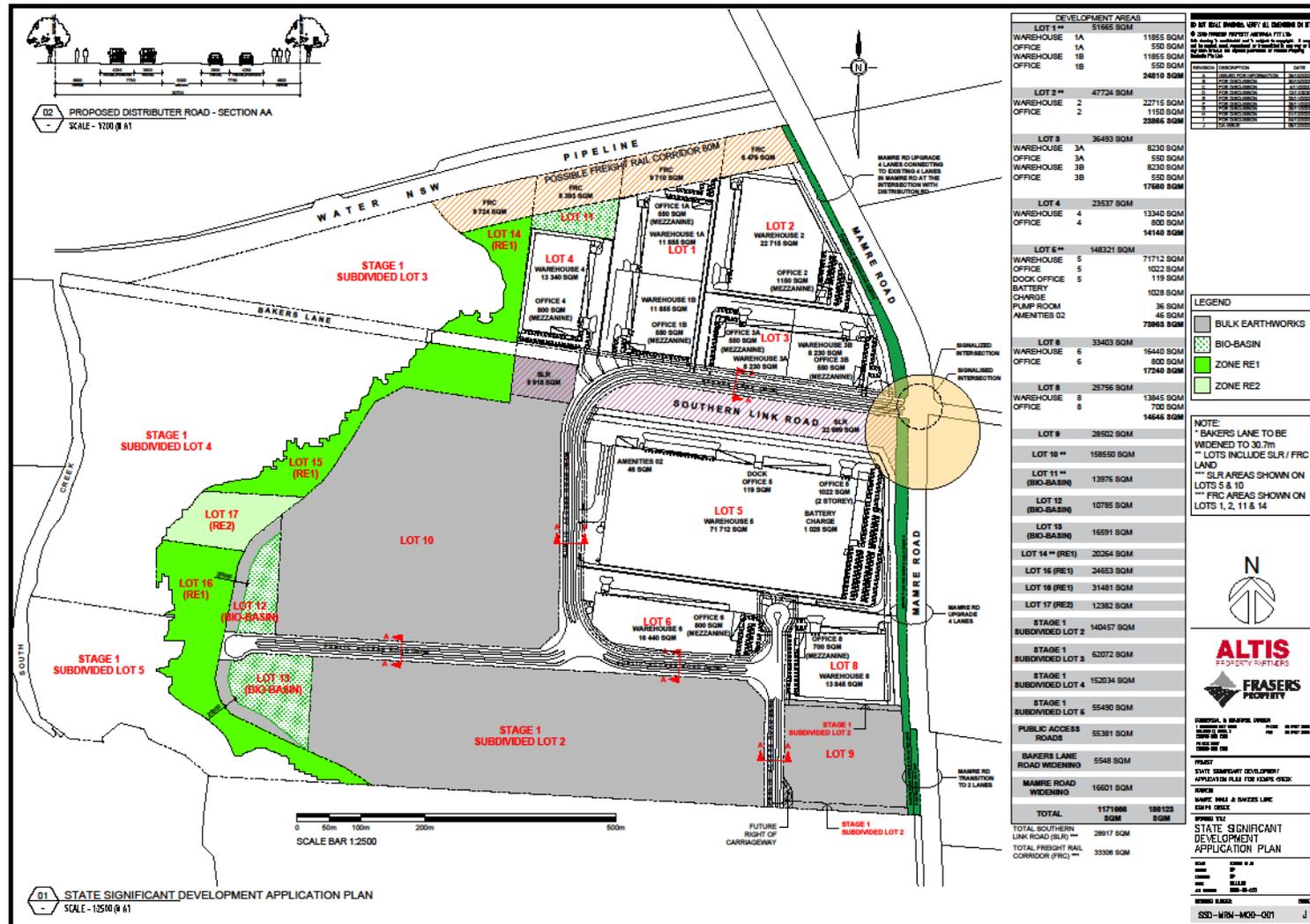


Figure 1.2: The masterplan for the approved warehouse, logistics and industrial facilities hub at 657–769 Mamre Road, Kemps Creek

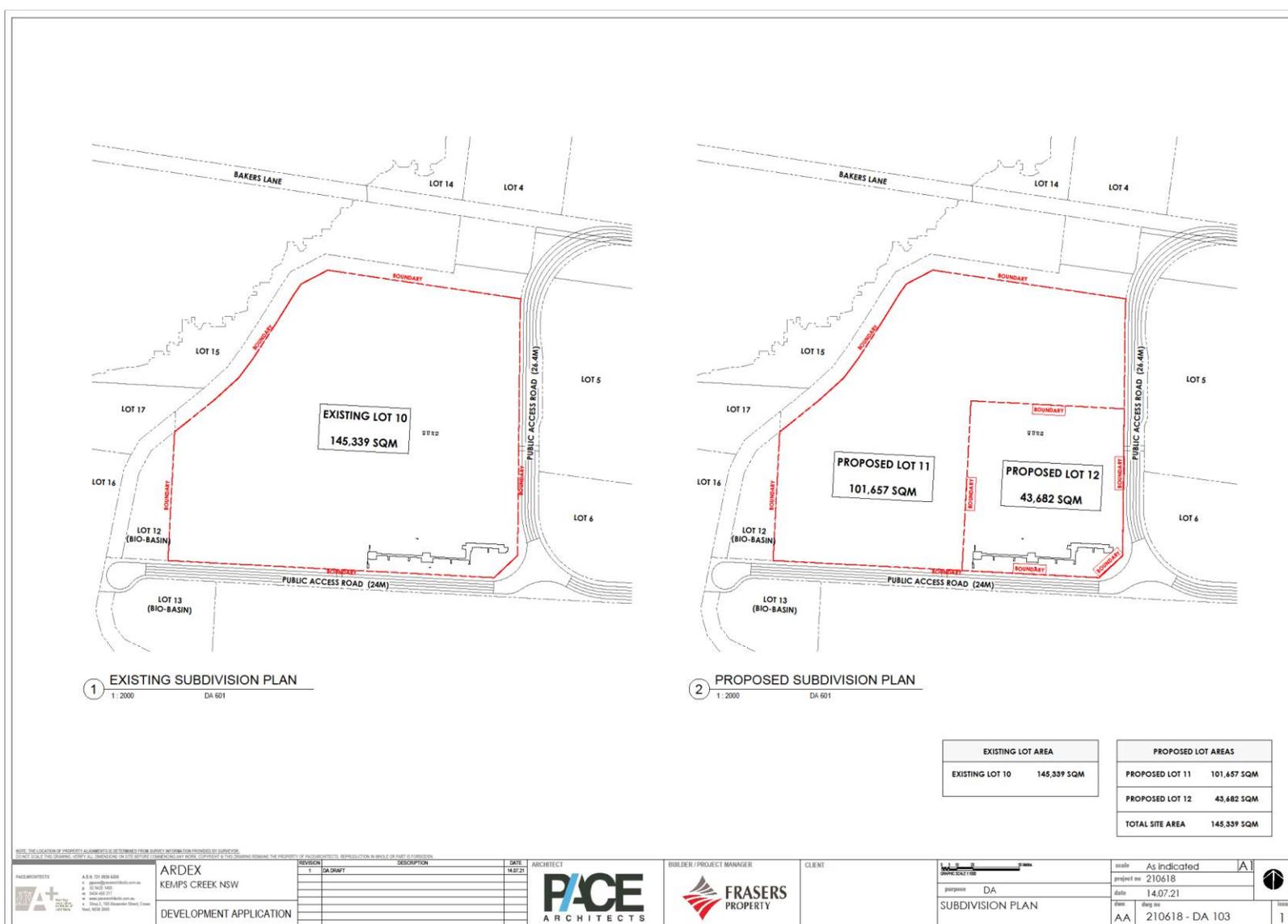


Figure 1.3: Proposed subdivision of Lot 10

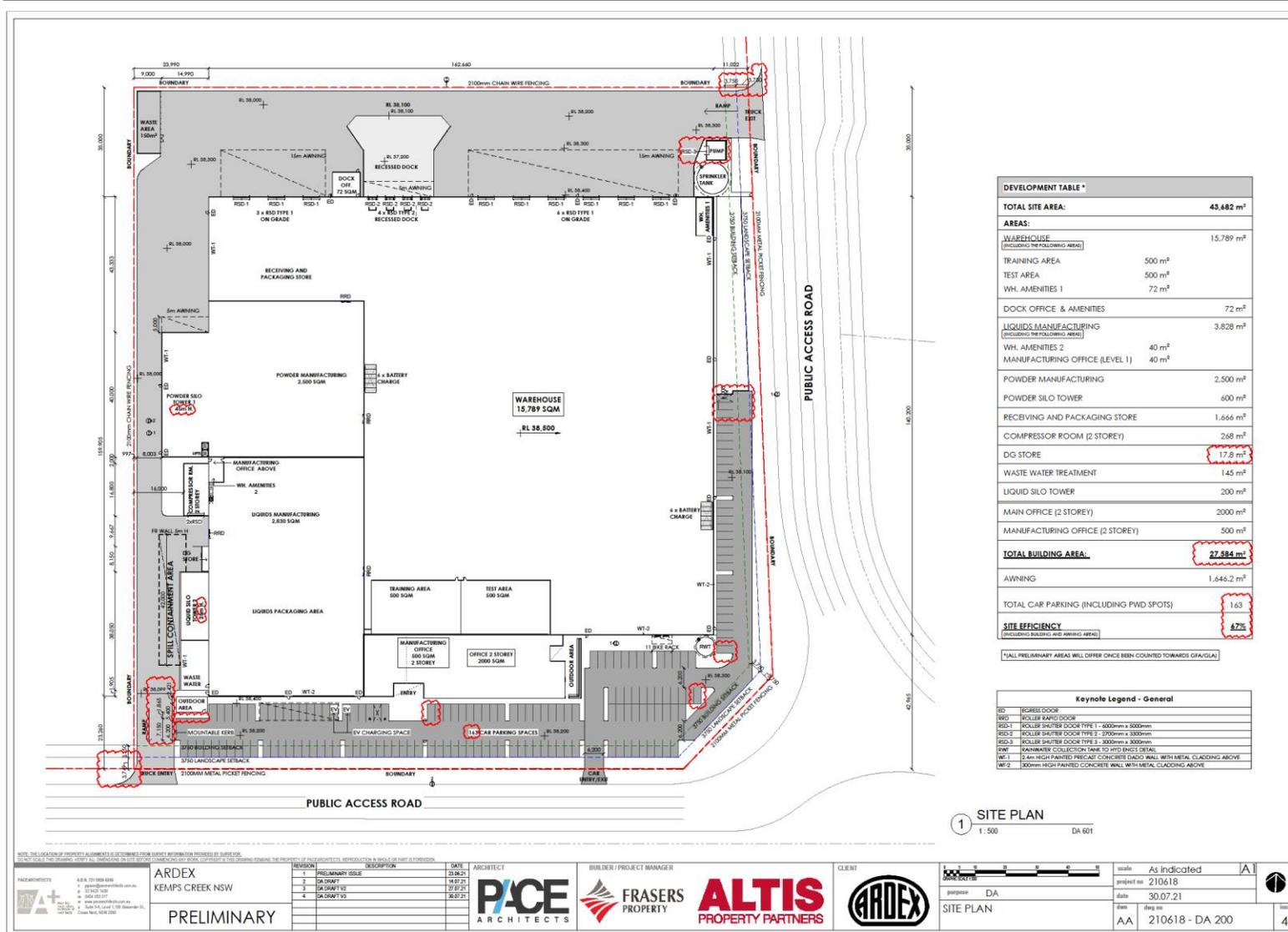


Figure 1.4: The site plan for the development on proposed Lot 12

1.4 Previous assessment of the impacts of this development

All impacts of this proposed SSD on biodiversity values were assessed within the BDAR for the larger warehouse, logistics and industrial facilities hub at 657–769 Mamre Road, Kemps Creek (approved SSD 9522), of which the proposed development is part (Ecoplanning 2020).

After avoidance and mitigation measures were taken into account, residual impacts from development of SSD 9522 to native vegetation were assessed to include direct clearing of 9.15 ha of native vegetation. A further 2.41 ha of farm dams, 0.72 ha of exotic plantings and 74.06 ha of cleared land ‘exotic grassland’ were assessed as impacted. A total of 230 ecosystem credits and no species credits were required to offset the impacts of the development of the warehouse hub (Ecoplanning 2020).

There will be no additional impacts to biodiversity values from the development of the ARDEX Kemps Creek warehouse. The area occupied by existing Lot 10, which will be subdivided into residual Lot 11 and developed into a warehouse and manufacturing facility on Lot 12, was assumed to have been entirely cleared in the assessment of the facilities hub (Ecoplanning 2020). Accordingly, the proposed development is not likely to have any significant impact on biodiversity values and is an appropriate subject for a BDAR waiver.

The remainder of this BDAR waiver application describes the impacts from the proposed development of the ARDEX Kemps Creek warehouse and demonstrates specifically how those impacts were previously assessed.



2 Landscape features and location map

2.1 Landscape features

The landscape features characterising the subject land are the same as those identified in the BDAR for the larger warehouse, logistics and industrial facilities hub assessed in SSD 9522 of which the proposed development is part (Ecoplanning 2020). Those features are briefly reproduced here .

2.1.1 IBRA bioregions and IBRA subregions

The subject land is located entirely within the Cumberland subregion (version 7) and within the NSW Sydney Basin IBRA region (version 7).

2.1.2 NSW landscape regions (Mitchell Landscapes)

The subject land occurs in two NSW Mitchell Landscapes, being the ‘*Cumberland Plain*’ and ‘*Hawkesbury – Nepean Channels and Floodplains*’ landscapes (Mitchell Landscapes V3.1). The ‘*Cumberland Plain*’ landscape dominates the area of the subject land.

2.1.3 Other landscape features

Rivers, streams and estuaries

No drainage lines are mapped within the subject land, although South Creek and Cosgroves Creek are mapped within the 1,500 m assessment circle.

Local and important wetlands

No local or important wetlands, or the associated buffers lie within the study area or within 1,500 m of the study area.

Connectivity of different areas of habitat

No areas providing connectivity lie within the study area or within 1,500 m of the study area.

Areas of geological significance and soil hazard features

No areas of geological significance or soil hazard features lie within the study area or within 1,500 m of the study area.

Areas of ‘outstanding biodiversity value’

No areas of ‘outstanding biodiversity value’ lie within the study area or within 1,500 m of the study area.

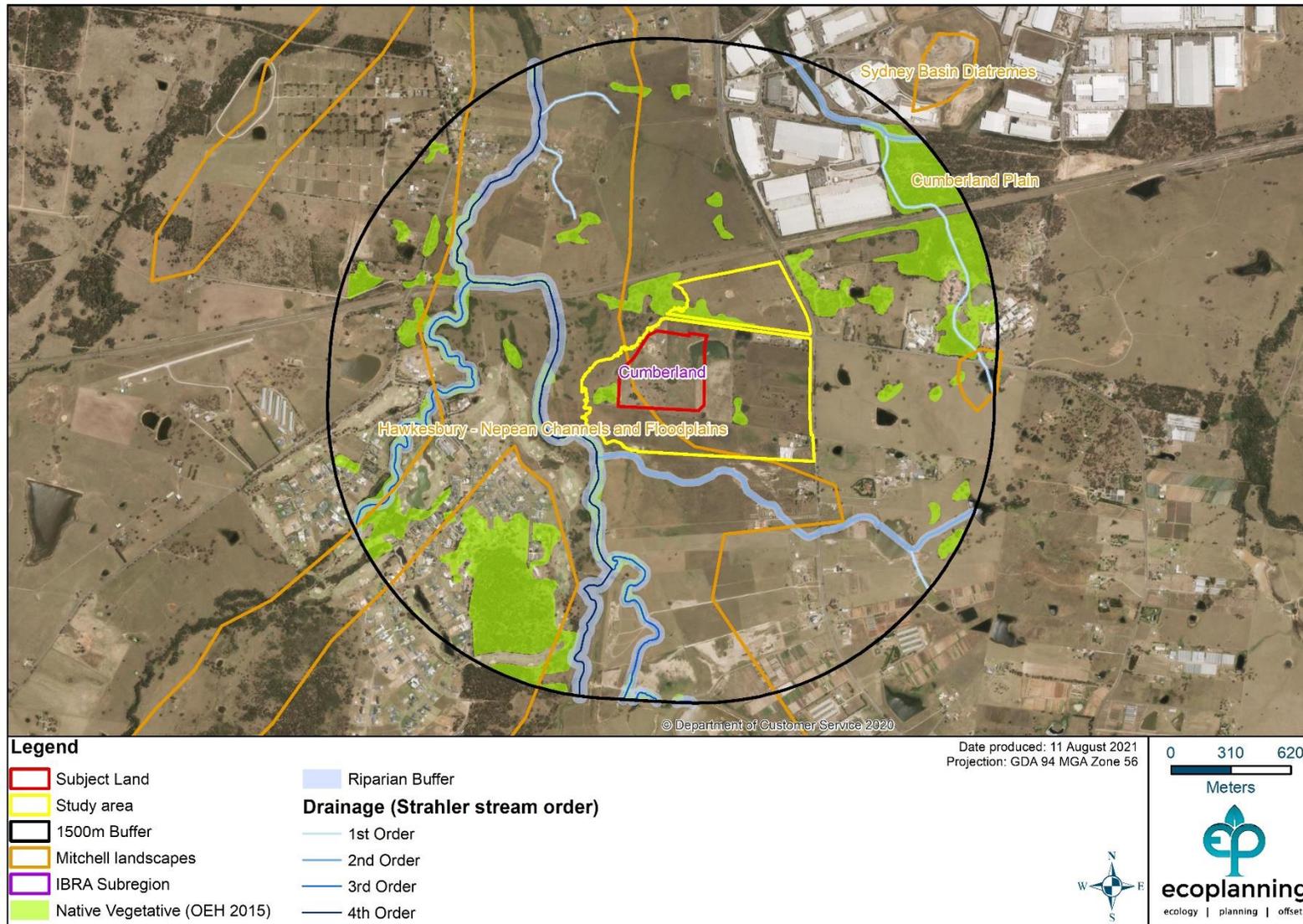


Figure 2.1: Location map

3 Biodiversity assessment

This section assesses whether the proposed development is likely to have any significant impact on biodiversity values.

Section 1.5 of the BC Act defines the following as biodiversity values:

- **Vegetation integrity** – being 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, and
- **Habitat suitability** – being the degree to which the habitat needs of threatened species are present at a particular site.

The BC Act also indicates that additional biodiversity values, or biodiversity-related values are noted in the regulations.

Clause 1.4 of the BC Reg identifies the following additional biodiversity values:

- **Threatened species abundance** – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site,
- **Vegetation abundance** – being the occurrence and abundance of vegetation at a particular site,
- **Habitat connectivity** – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range,
- **Threatened species movement** – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle,
- **Flight path integrity** – being the degree to which the flight paths of protected animals over a particular site are free from interference, and
- **Water sustainability** – being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.

Table 3.1 summarises the impacts of the proposed development against each of these criteria. As discussed in **Section 1.4**, all biodiversity impacts within the subject land were previously assessed in the BDAR for SSD 9522. Following the approval of SSD 9522, all impacts were subsequently offset through the retirement biodiversity credits. Accordingly, **Table 3.1** presents brief summaries of the relevant impacts from the assessment of SSD 9522 and notes that the proposed development that is the subject of this application for a BDAR waiver will have no additional impacts.

Table 3.1: Biodiversity assessment of the proposal and study area

Legislation criteria	Values within the subject land
NSW Biodiversity Conservation Regulation 2017 (Clause 1.5)	
2a) vegetation integrity – being the degree to which the	There is no native vegetation within the subject land as it was cleared under the approved SSD 9522. The proposed ARDEX



Legislation criteria	Values within the subject land
composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state	Kemps Creek warehouse will have no additional impacts on native vegetation to those already assessed and offset for SSD 9522 (Ecoplanning 2020).
b) habitat suitability – being the degree to which the habitat needs of threatened species are present at a particular site	There is no habitat within the subject land as it was cleared under the approved SSD 9522. The proposed ARDEX Kemps Creek warehouse will have no additional impacts on habitat suitability to those already assessed and offset for SSD 9522 (Ecoplanning 2020).
NSW Biodiversity Conservation Regulation 2017 (Clause 1.4)	
a) threatened species abundance – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	There are no threatened species within the subject land as it was cleared under the approved SSD 9522. The proposed ARDEX Kemps Creek warehouse will have no additional impacts on threatened species abundance to those already assessed and offset for SSD 9522 (Ecoplanning 2020).
b) vegetation abundance – being the occurrence and abundance of vegetation at a particular site	There is no native vegetation within the subject land as it was cleared under the approved SSD 9522. The proposed ARDEX Kemps Creek warehouse will have no additional impacts on native vegetation to those already assessed and offset for SSD 9522 (Ecoplanning 2020).
c) habitat connectivity – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	There is no connectivity between the subject land and other areas as the subject land was cleared under the approved SSD 9522. The proposed ARDEX Kemps Creek warehouse will have no additional impacts on connectivity to those already assessed and offset for SSD 9522 (Ecoplanning 2020).
d) threatened species movement – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	There is no threatened species movement between the subject land and other areas as the subject land was cleared under the approved SSD 9522. The proposed ARDEX Kemps Creek warehouse will have no additional impacts on threatened species movement to those already assessed and offset for SSD 9522 (Ecoplanning 2020).
e) flight path integrity – being the degree to which the flight paths of protected animals over a particular site are free from interference	The subject land has not been identified as being part of the flight path of any protected animals. Consequently, the proposed development is unlikely to interfere with the flight path of any threatened species which may currently use the site and surrounding areas as a flight path. Like other impacts

Legislation criteria	Values within the subject land
	to biodiversity, impacts from development on the subject land were assessed and offset in Ecoplanning (2020), and the proposed ARDEX Kemps Creek warehouse will have no additional impacts on flight path integrity to those already assessed and offset.
<p>f) water sustainability – being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site</p>	<p>The assessment for approved SSD 9522 considered stormwater management for the facilities hub as whole, and on-site stormwater detention was designed to ensure that downstream environments would be minimally impacted. All biodiversity impacts relating to aquatic habitat were assessed and offset in Ecoplanning (2020), and the proposed ARDEX Kemps Creek warehouse will have no additional impacts on water sustainability and aquatic habitat to those already assessed and offset for SSD 9522.</p>

4 Conclusion

This application for a BDAR waiver assesses the impacts on biodiversity values of a proposal to subdivide land and construct a warehouse and manufacturing facility at the site of a previously approved warehouse, logistics and industrial facilities hub at 657–769 Mamre Road, Kemps Creek. All impacts of the current proposed development were assessed and all required offsets were calculated in the BDAR for the warehouse, logistics and industrial facilities hub, which was approved as SSD 9522 (DPIE 2020). The proposed development is not likely to result in any additional impact on biodiversity values (significant or otherwise), beyond those considered under SSD 9522 therefore the requirement to prepare a BDAR for the currently proposed development should be waived.



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