

11 August 2022

Our Ref: 21SUT - 19422

CSR Limited
narancia@csr.com.au

Attention: Nelma Arancia

Dear Nelma,

60 Greendale Road, Bringelly - Biodiversity Assessment for the proposed Bringelly Brickworks Extension Project (SSD 5684 Modification 2)

Eco Logical Australia Pty Ltd (ELA) were engaged by CSR to undertake a biodiversity assessment of the proposed Modification 2 for the Bringelly Brickworks Extension Project state significant development (SSD 5684) at 60 Greendale Road, Bringelly. This letter describes the assessment of biodiversity values for the above project in relation to the following biodiversity related legislation and policy:

- *NSW Biodiversity Conservation Act 2016* (BC Act)
- *State Environmental Planning Policy (Western Parkland City) 2021* (Western Parkland City SEPP)
- *Camden Local Environmental Plan 2010* (Camden LEP)
- *Camden Council Development Control Plan 2019* (Camden DCP)
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

Should you have any questions on this matter, please contact me on (02) 9259 3754.

Yours sincerely,



Geraint Breese
Senior Environmental Consultant

1. Project Location

1.1 Study Area

The study area, defined in Figure 1, describes the entire area within the lot boundary of 60 Greendale Road, Bringelly 2556 (Lot 100 DP 1203966).

1.2 Development Footprint

This letter addresses impacts of the proposed modification to SSD 5684 on biodiversity within the development footprint. The development footprint defines the area subject to impacts, described in Figure 2 and defined in Figure 3. It is in the Camden Local Government Area (LGA) and is approximately 45 kilometres (km) south west of the Sydney Central Business District (CBD).

The development footprint is within the Bringelly Precinct in accordance with the South West Growth Centre Precinct Boundary Map, available online via the Department of Planning [here](#).

2. Project History and Modification

PGH Bricks & Pavers Pty Limited (PGH) is a subsidiary of CSR and operate the site. The existing and approved use of the site as a brick making facility was approved by the Minister for Planning in March 2015 via a State significant development consent (SSD 5684). The aspects approved under SSD 5684 include:

- Expansion of the original clay/shale extraction area and continuation of brick making activities.
- Extraction up to 200,000 tonnes of clay/shale material per annum.
- Continued importation of up to 96,000 tonnes of raw materials per annum.
- Production of up to 263,500 tonnes of bricks per annum.
- Handling, packaging, storing and transporting bricks by road.
- Exporting saleable overburden and spoil from the site.
- Construction of a new access driveway and two noise bunds.
- Upgrading and augmenting existing ancillary infrastructure.
- Progressively rehabilitating the site.

PGH previously modified SSD 5684 in October 2016 to increase the allowable amount of raw materials imported to the site from 96,000 tonnes per annum (tpa) to 321,000 tpa.

PGH seek to undertake further expansion works on the site to improve the operational efficiencies and increase brick production (the 'proposed modification').

The proposed modification will form the second modification (MOD 2) of SSD 5684 and comprises the following:

- Extend the consent period for quarry operations and remove restrictions for brick production.
- Increase the extraction of clay/shale from 200,000 tpa to 350,000 tpa.
- Increase the production of bricks from 263,500 tpa to 330,000 tpa.

- Increase the delivery of raw materials required for brick making from 321,000 tpa to 350,000 tpa.
- Increase the quantity of bricks to be transported from 263,500 tpa to 330,000 tpa.
- Increase truck movements from the site from 180 truck movements per day to 400 truck movements per day, including the removal of hourly truck restrictions.
- Extend the approved development boundary.
- Extend the extent of native vegetation clearing.
- Demolish existing buildings and structures associated with the brick storage facility.
- Construct a second brick manufacturing building and clay preparation building.
- Duplicate brick manufacturing plant and equipment within the second building.
- Extend the footprint of the brick storage area.
- Relocate and reconfigure the existing access driveway.
- Remove and reconfigure existing utility infrastructure.
- Relocate and/or install additional stormwater management infrastructure.
- Remove a previously approved noise bund on the northern perimeter of the site adjacent to Greendale Road.
- Upgrade additional parking facilities at the site with a new parking lot.
- Increase waste quantities generated by the site consistent with increased production.
- Amend various conditions of consent to suit the revised operations.

The proposed development plan for MOD 2 is presented in Figure 2.

3. Biodiversity Conservation Act 2016

3.1 Biodiversity Certification

ELA has undertaken a review of the proposed development at 60 Greendale Road, Bringelly and can confirm that the entirety of the development footprint is within biodiversity certified land under the Western Parkland City SEPP (Figure 3).

Section 8.4(2) of the BC Act describes the effect of biodiversity certification in relation to development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), stating: ‘an assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act 1979’. As such no further assessment of biodiversity is required in this area.

4. State Environmental Planning Policy (Western Parkland City) 2021

As of 1 March 2022, the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* was repealed by the Western Parkland City SEPP. The development footprint is within the South West Growth Centre under the Western Parkland City SEPP. Chapter 3 *Sydney region growth centres* of the Western Parkland City SEPP provides development controls for the South West Growth Centre. However, these controls only apply to land identified by clause 3.28 which includes:

- *land zoned under Part 3,*
- *flood prone and major creeks land,*
- *transitional land,*
- *land that is—*
 - *under State Environmental Planning Policy (Western Sydney Parklands) 2009, in an environmental conservation area shown on the State Environmental Planning Policy (Western Sydney Parklands) 2009 Environmental Conservation Areas Map, and*
 - *in a growth centre.*

The subject site is not any of the above and therefore Part 3.6 does not apply.

5. Camden Development Control Plan 2019

Section 2.4 of the *Camden Development Control Plan 2019* (Camden DCP) contains provisions relating to trees and vegetation. To gain approval for the removal of vegetation through this DCP, the following controls must be considered. Table 1 outlines how the proposed development has considered specific provisions relating to biodiversity. Note that vegetation provisions relating to arboriculture, heritage or landscaping have not been considered.

Table 1: Camden DCP Controls

Liverpool Growth Centres Precinct DCP Clause	Comments
<p>(1) A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy a tree or vegetation without approval from Council authorising such works.</p> <p>This control extends to a public authority except in relation to the pruning of a tree growing on, overhanging or encroaching onto land owned by Council or which is under its care, control and management.</p>	<p>The entire development footprint is within biodiversity certified land. The clearing of native vegetation within biodiversity certified lands has been compensated through the use of biodiversity offsets elsewhere within the property and throughout the South West Growth Centre.</p> <p>No further assessment of biodiversity is required for development on biodiversity certified land.</p>
<p>(2) If the Council receives an application to remove a tree, it must notify adjoining land owners in accordance with Part 1 of this DCP if, in Council's opinion, it may significantly impact on local amenity.</p>	<p>The majority of the development footprint has previously been cleared and developed for the existing Bringelly Brickworks facility. The removal of vegetation within the development footprint is unlikely to significantly reduce local amenity.</p>
<p>(4) Council must not grant an approval unless it has taken into consideration (a – i)</p>	<p>No further assessment of biodiversity is required for development on biodiversity certified land.</p> <p>Therefore Clause 4(a – i) of Section 2.4 does not apply.</p>
<p>(5) If an approval is granted for the removal of a tree or vegetation, up to four (4) replacement trees are required to be planted for every tree removed. This control does not apply to a tree or other vegetation, where Council is satisfied, is dying or dead, is not required as the habitat of native fauna and/or is a risk to human life or property.</p>	<p>The entire development footprint is within biodiversity certified land. The clearing of native vegetation within biodiversity certified lands has been compensated through the use of biodiversity offsets elsewhere within the study area and throughout the South West Growth Centre.</p>

6. Commonwealth Strategic Assessment (EPBC Act)

On 28th February 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres was approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regard to their impact on the following Matters of National Environmental Significance:

- World Heritage Properties
- National Heritage Places
- Wetlands of International Importance
- Listed threatened species and communities
- Listed migratory species

These decisions indicate that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through the Western Sydney Growth Centres Program will satisfy their requirements for environmental protection under the EPBC Act. Provided that development activity proceeds in accordance with the Growth Centres requirements (such as the Biodiversity Certification Order, the Growth Centres SEPP and DCPs, Growth Centres Development Code etc.) there is no requirement to assess the impact of development activities on Matters of National Environmental Significance within the Growth Centres and no requirement for referral of activities to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW).

The development footprint is therefore exempt from further assessment of threatened species and endangered ecological communities listed under the NSW Biodiversity Conservation Act or the Commonwealth EPBC Act.

Where habitat for native fauna is to be removed such as hollow-bearing trees or dams, the works should be done in such a manner that minimises the risk of injury or death to native fauna. Where trees are proposed to be removed, we would recommend undertaking hollow-bearing tree removal with the supervision of a qualified ecologist or fauna spotter/catcher to ensure any potential fauna on site is relocated in an appropriate manner and that appropriate measures are taken to minimise fauna injury or death.

7. References

Department of Infrastructure, Planning and Natural Resources (DIPNR) 2003. *Salinity Potential in Western Sydney 2002*. March 2003.

Geoscapes 2022. *60 Greendale Road Bringelly, NSW 2556. Landscape Documentation for State Significant Development Application – 5684 MOD 2*. July 2022. Prepared for CSR.

Appendix A Figures

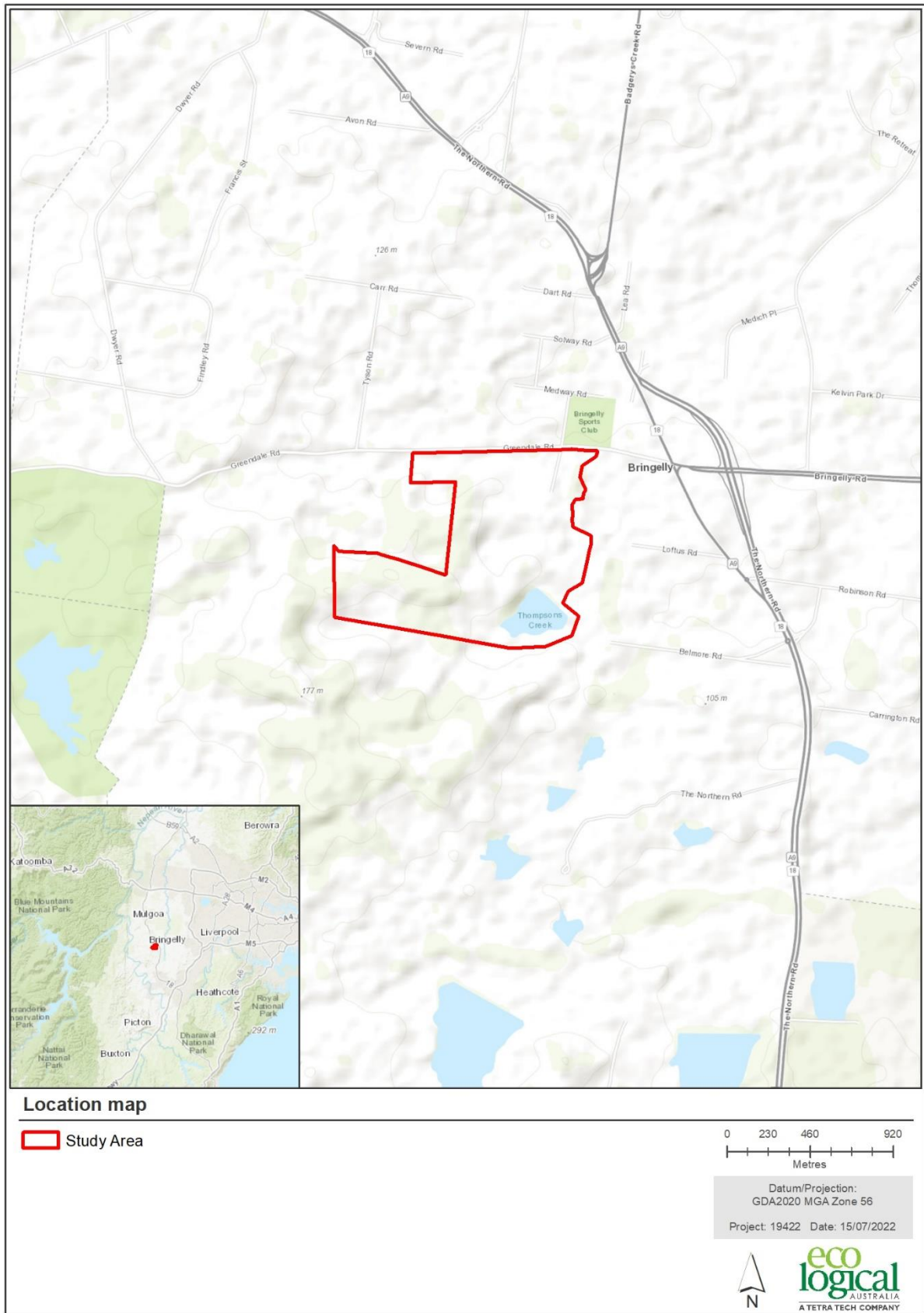


Figure 1: Location of proposed development, showing the study area (Lot 100 DP 1203966, 60 Bringelly Road)

Figure 3
Proposed site development plan

Bringelly Brickworks Extension Project
MODIFICATION 2

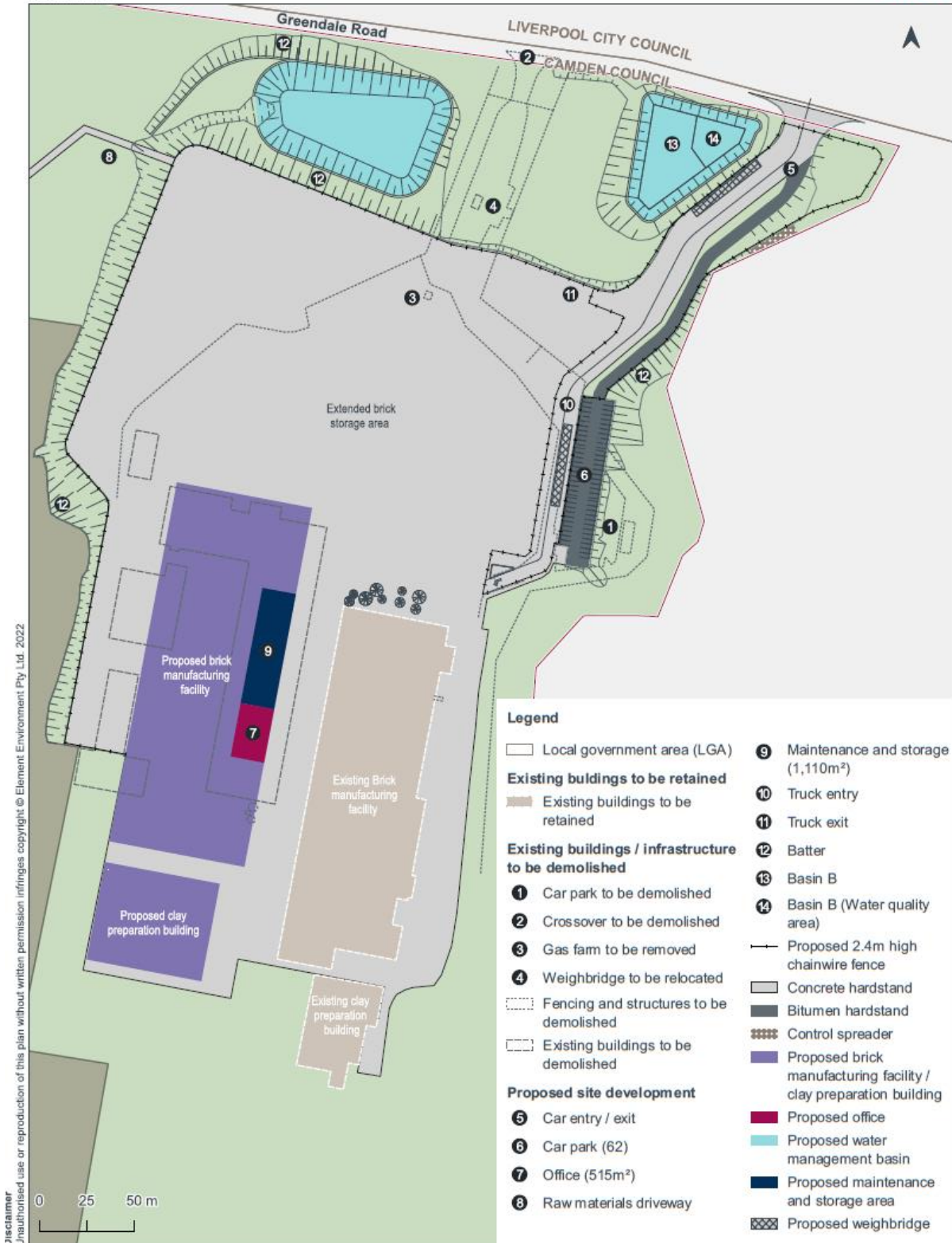


Figure 2: Proposed Bringelly Brickworks Extension Project site development plan (Modification 2)

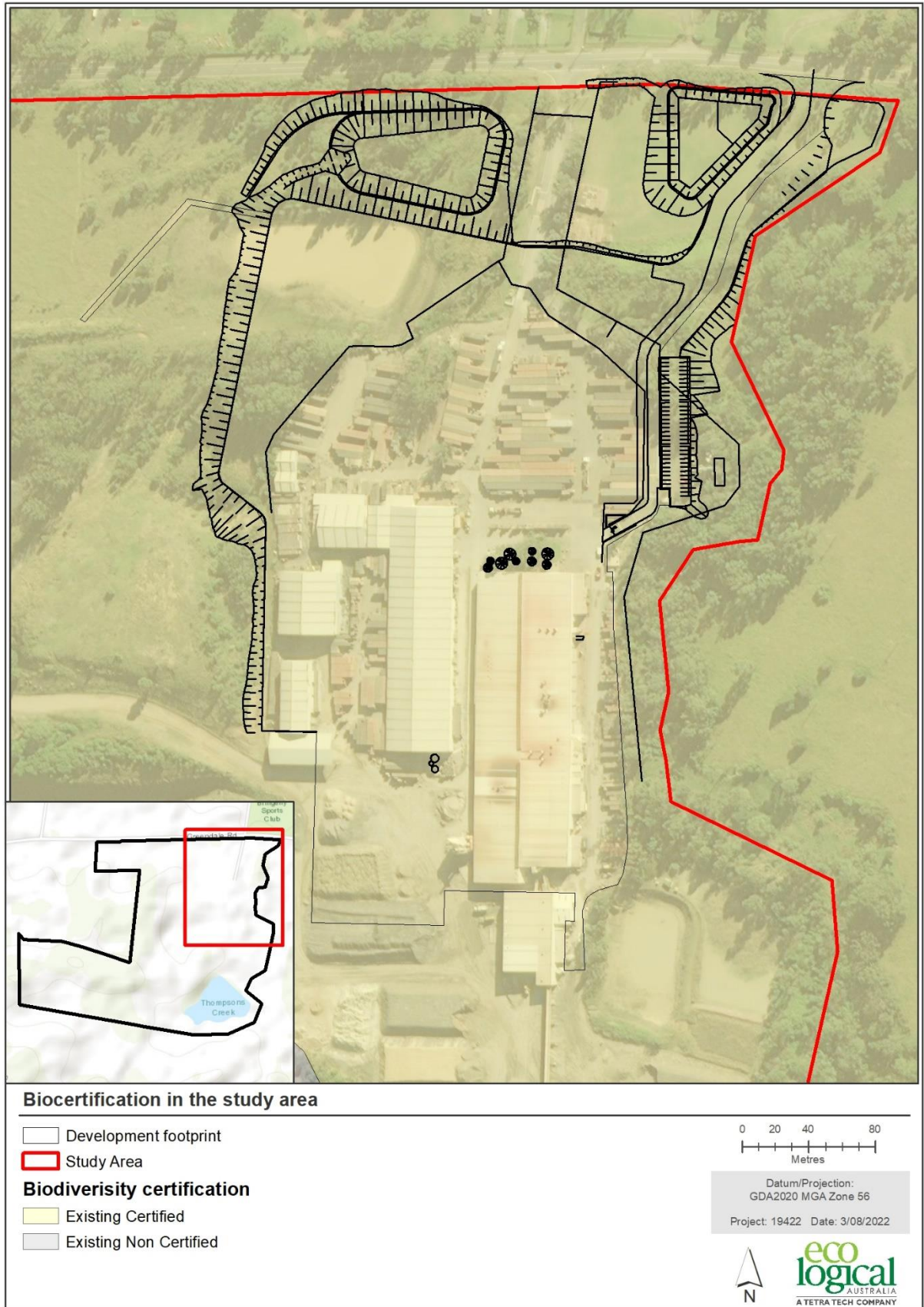


Figure 3: Biodiversity certification in relation to the development footprint and study area

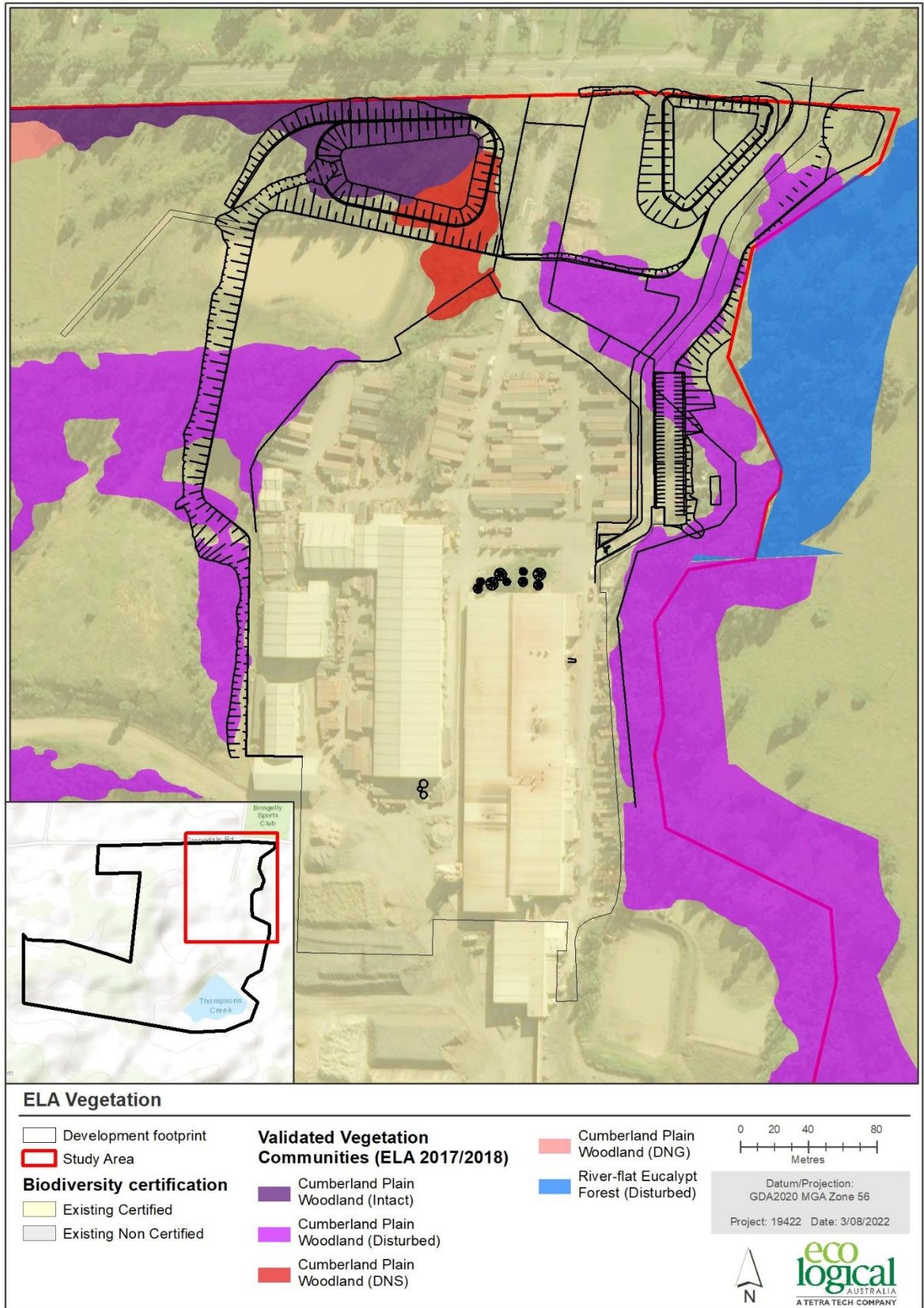


Figure 4 Validated Vegetation Communities Mapping (ELA, 2017/2018)

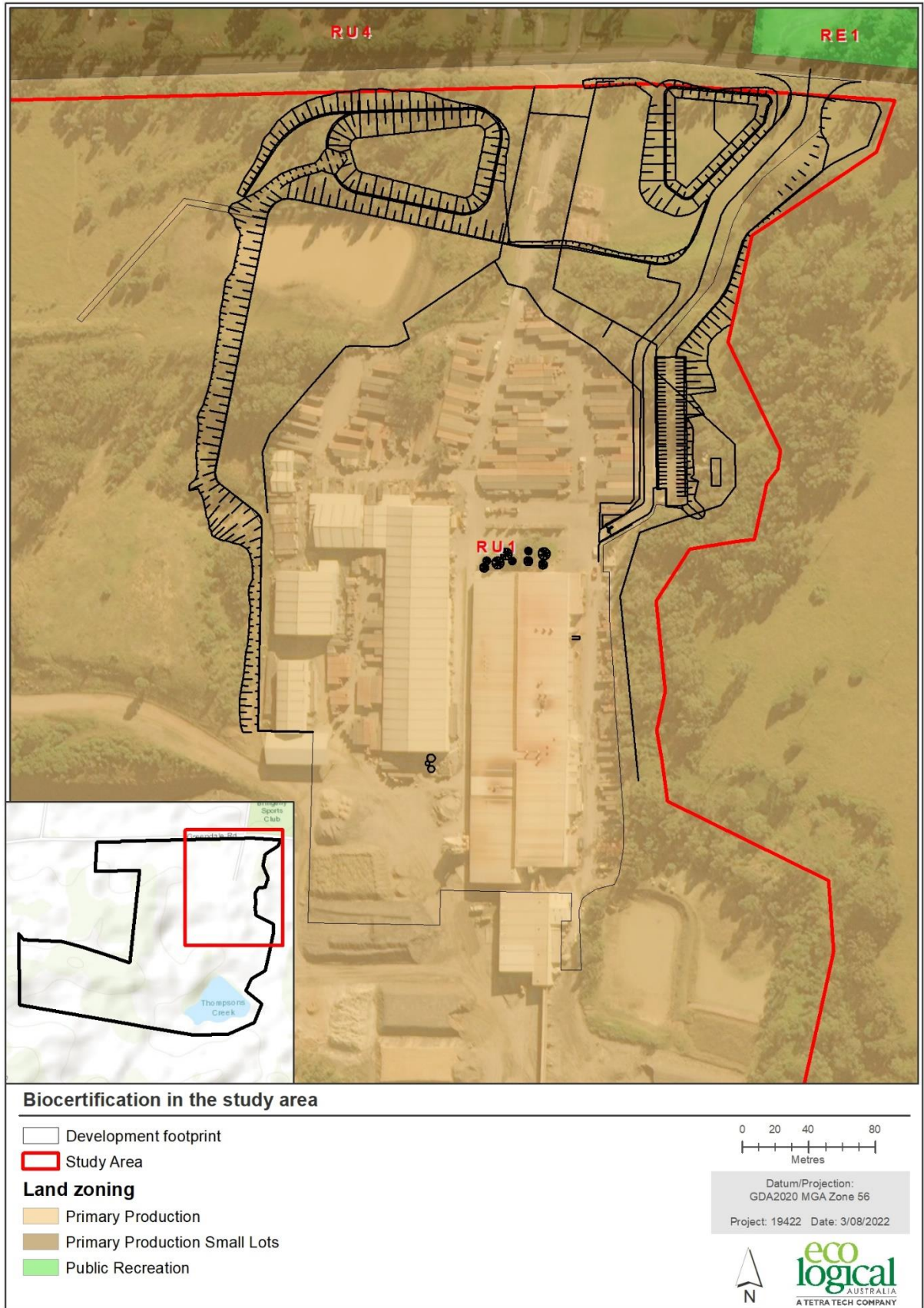


Figure 5: Land Use Zoning in relation to the development footprint