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Supplied by email

15 April 2025

Re: BMP Compliance Assessment Letter Version 1.0 – Proposed AIBP Storage and Distribution Warehouse 1 (Lot 1 in DP1293805) – Alspec Industrial Business Park, 221-235 Luddenham Rd, Orchard Hills, NSW

Dear Mike,

This letter is to accompany a State Significant Development Application (SSDA) (SSD-81434988, dated 4 April 2025) to the Department of Planning, Housing and Infrastructure (DPHI) for development of a warehouse within the Alspec Industrial Business Park (AIBP). The SSDA includes the construction of a new warehouse with a two-level ancillary office, with a total building area of 45,512 m², comprising 43,607 m² of warehouse space and 1,905 m² of office space. Loading areas are proposed to the north and south of the warehouse, with hardstand and car parking areas accessible via four new driveways from the internal AIBP estate road. Approximately 329 parking spaces will be provided to accommodate a mix of vehicles including cars, vans, semi-trailers and B-doubles.

The subject site is located at 221-235 Luddenham Road, Orchard Hills NSW (Lot 1//DP1293805), as shown in **Figure 1**. It is positioned approximately in the centre of Lot 1, with the proposed warehouse in the lot immediately to the north, a flood storage basin 2 immediately west, and an internal access road immediately west, beyond which warehouses 7 and 12 are proposed to be sited. The total site area is 110,323 m², comprising 41,950 m² total warehouse area, a 1,656 m² services area and a 10,134 m² landscaping footprint.

The subject site is part of the Greater Penrith to Eastern Creek Investigations Area under the Cumberland Plain Conservation Plan (CPCP) (DPE 2022). The subject lot is mapped as 'Certified - Urban Capable Land' under the CPCP, with a thin strip sliver of land to the west mapped as 'Certified – Major Transport Corridors' (**Figure 2**).

However, it is noted that throughout the planning proposal pathway, HBB Property have had ongoing consultation with the authorities regarding the development of the along the edge of the major transport corridor to the benefit of the AIBP Estate. It is understood that works will involve batter interfaces and floodplain management, and for the purpose of this assessment, the proposed development can be 'clipped' to and treated as only 'Certified - Urban Capable Land'.

Part 13.5 of the Biodiversity Conservation SEPP provides development controls for Certified - Urban Capable Land under the CPCP. The Biodiversity Conservation SEPP states that

development consent must not be granted to development on this land zoning unless the consent authority has considered whether the development is consistent with the CPCP Mitigation Measures Guideline (DPE 2022).

A Biodiversity Management Plan (BMP) was prepared (Ecoplanning 2024) to accompany a Development Application (DA) for Bulk Earthworks within Lot 1, to provide feasible management actions to implement all the required mitigation measures within the CPCP guideline. The purpose of this letter is to assess compliance of the proposed against the mitigation measures and management actions detailed within the BMP. For the purposes of this letter, the 'subject site is defined as areas within the subject lot mapped as Certified - Urban Capable Land to be impacted by the proposed warehouse (**Figure 3**).



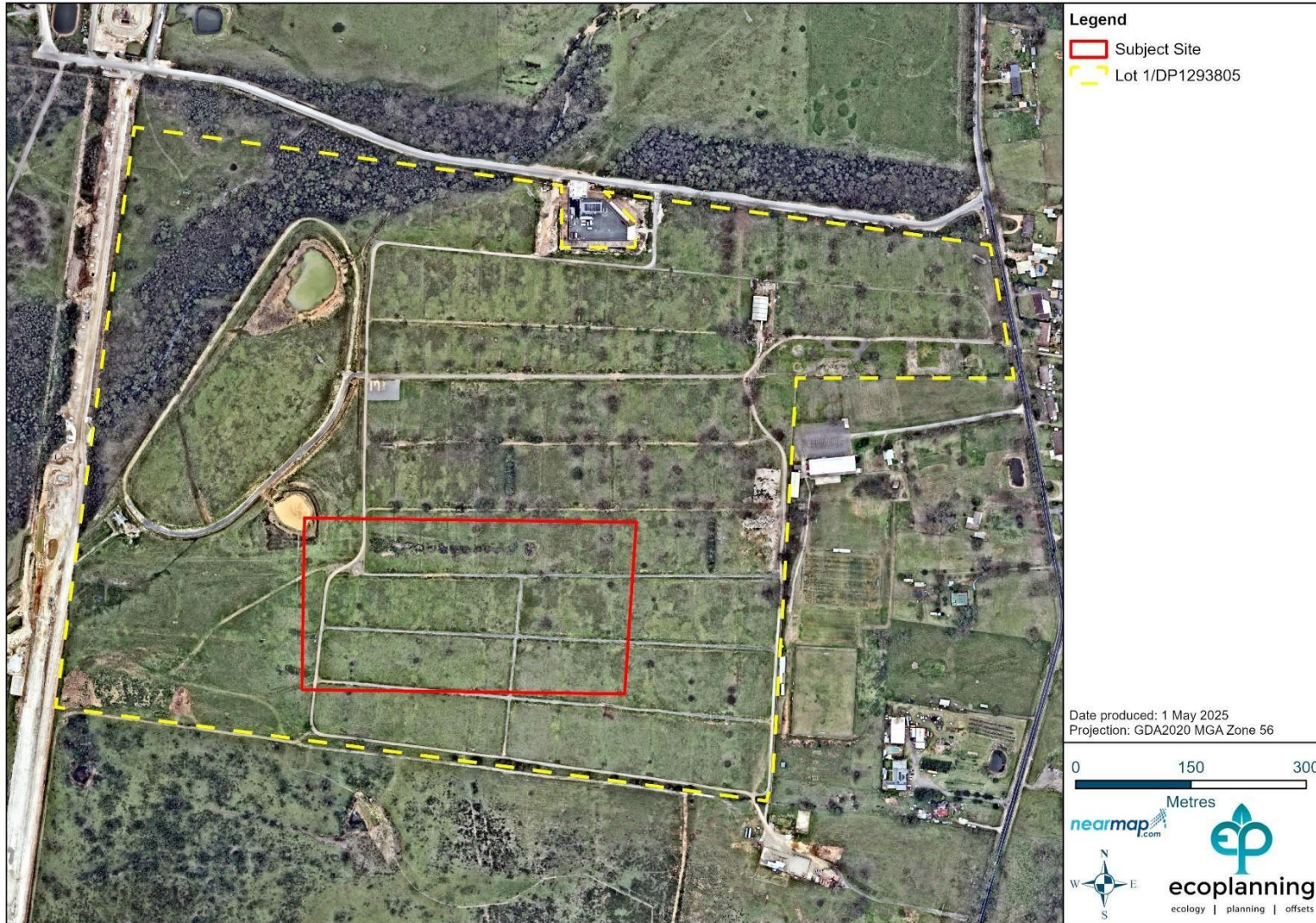


Figure 1 Subject Site

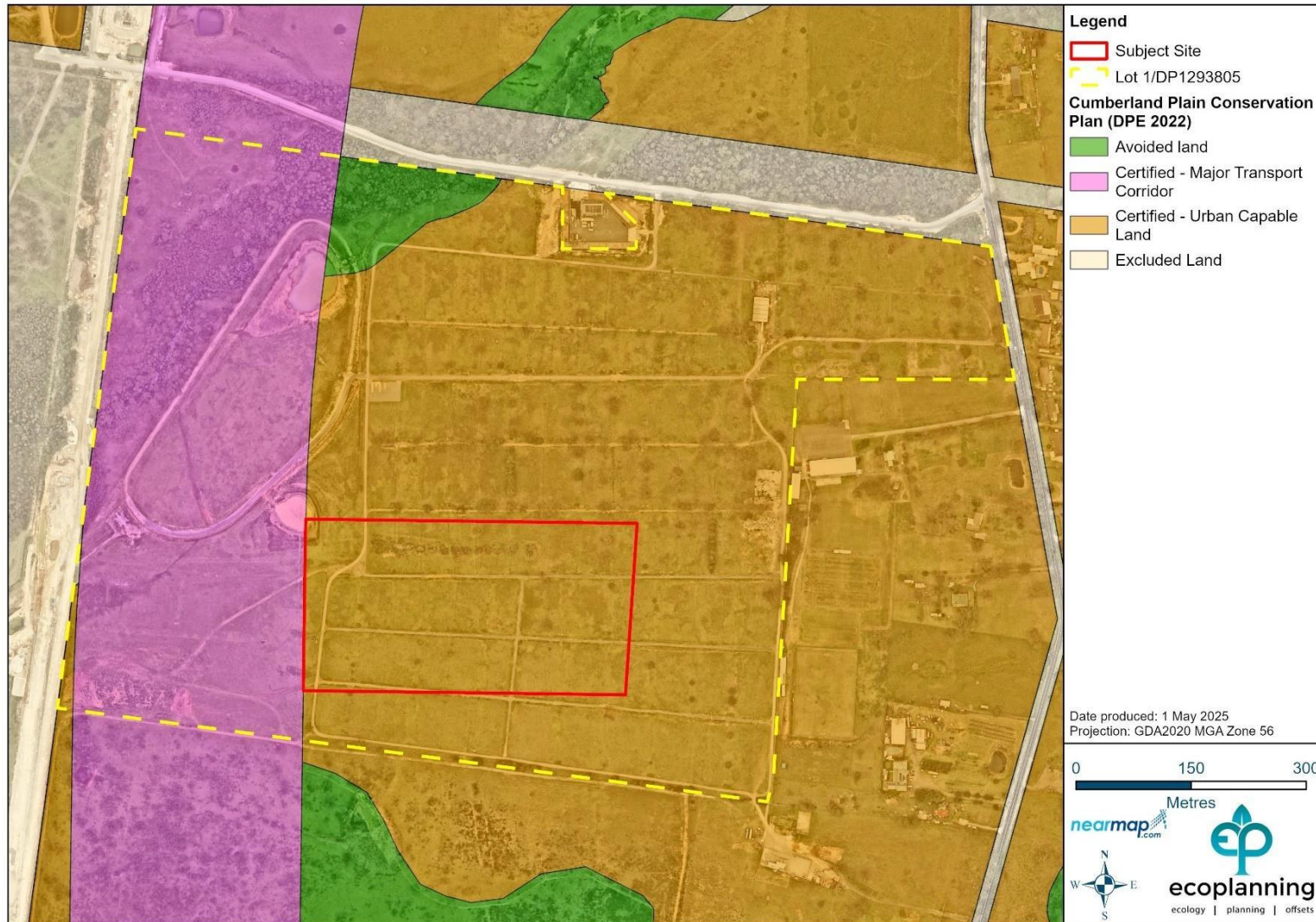


Figure 2 Biodiversity Certified Land under the Cumberland Plain Conservation Plan

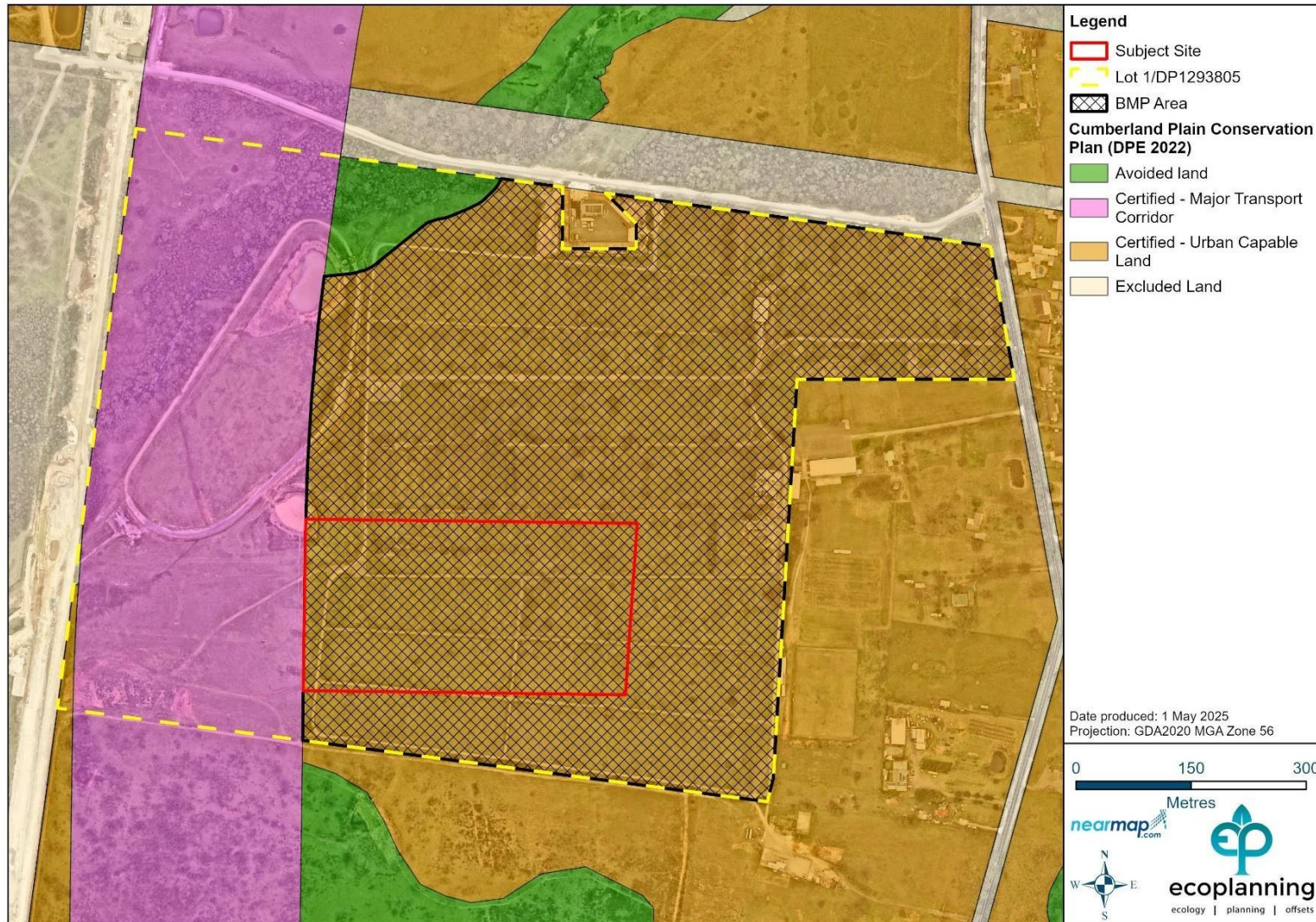


Figure 3 Bulk Warehouse DA Subject Site and BMP Area

Methods

A site-specific literature and database review was undertaken prior to the preparation of this report. This included desktop analysis of aerial photography and review of regional scale information from the following sources:

- Biodiversity Values Map (NSW DCCEEW 2025a)
- NSW State Vegetation Type Map (NSW DCCEEW 2023)
- NSW BioNet Atlas (NSW DCCEEW 2025b)
- Protected Matters Search Tool (DCCEEW 2023)
- NSW BioNet Vegetation Classification (NSW DCCEEW 2025c)
- NSW ePlanning spatial viewer (NSW DCCEEW 2025d)
- Six Maps (LPI 2023)

The desktop data was used in conjunction with field data collected for the BMP and previous surveys as part of an Ecological Constraints Assessment (Ecoplanning 2020).

Site Description

Historically, the site was used for agriculture. Previous assessments identified vegetation within the subject site as predominately exotic grassland with scattered paddock trees associated with the following Plant Community Types (PCTs) (**Figure 4**):

- PCT 3448 – Castlereagh Ironbark Forest

A pre-clearance inspection was conducted across the entire BMP area by Cooper Reed (Field Ecologist) on 18 March 2025. The inspection included mapping of habitat features as part of the management actions outlined in the BMP. No active hollows or nests were observed.

Targeted pre-clearance survey efforts were also undertaken within the development footprint to assess potential habitat for the Cumberland Plain Land Snail (CPLS), a threatened species known to occupy areas of dense leaf litter. During the 17 December 2024 survey, a single empty shell suspected to be CPLS was recorded (Appendix A, Figure XX). However, no live individuals were observed during this inspection, which included flipping of logs and debris piles.

On 18 March 2025, the site was found to lack the dense and continuous leaf litter typically associated with CPLS habitat. This is in contrast to the nearby Patons Lane site, where a live individual was previously recorded. The absence of accumulated ground cover at the subject site is attributed to regular mowing and historical grazing, with cattle observed under canopy trees during the assessment. These persistent disturbances have likely contributed to habitat degradation and reduced habitat suitability for the species.

While the BMP identified leaf litter translocation as a potential mitigation measure, this was not undertaken due to the limited presence of viable material. Given the degraded condition of the site and absence of suitable litter for relocation, translocation was deemed unwarranted and impractical. The isolated shell does not indicate the presence of a resident population, and no further evidence of CPLS was observed during clearing supervision.



Site personnel were instructed to remain vigilant for any potential live individuals during earthworks. No snails were encountered during supervised clearing, and no further management actions were required.

Vegetation clearing occurred from 19 to 21 March 2025. This involved mechanical clearing with an excavator. Cooper Reed (Field Ecologist) was present to supervise the entirety of the works. No threatened species were impacted. One juvenile Eastern Bearded Dragon and one Bluetongue Lizard required relocation during the clearing (Figure XX). These individuals were released into the strategic VMP area, away from future works and development. There were also no impacts to retained vegetation or surrounding areas. No threatened flora, including individuals of *Dillwynia tenuifolia*, *Grevillea juniperina* subsp. *juniperina* *Pultenaea parviflora*, were observed.

The clearing was carried out in accordance with BMP guidelines, and no adverse impacts to any identified habitat features or species occurred.



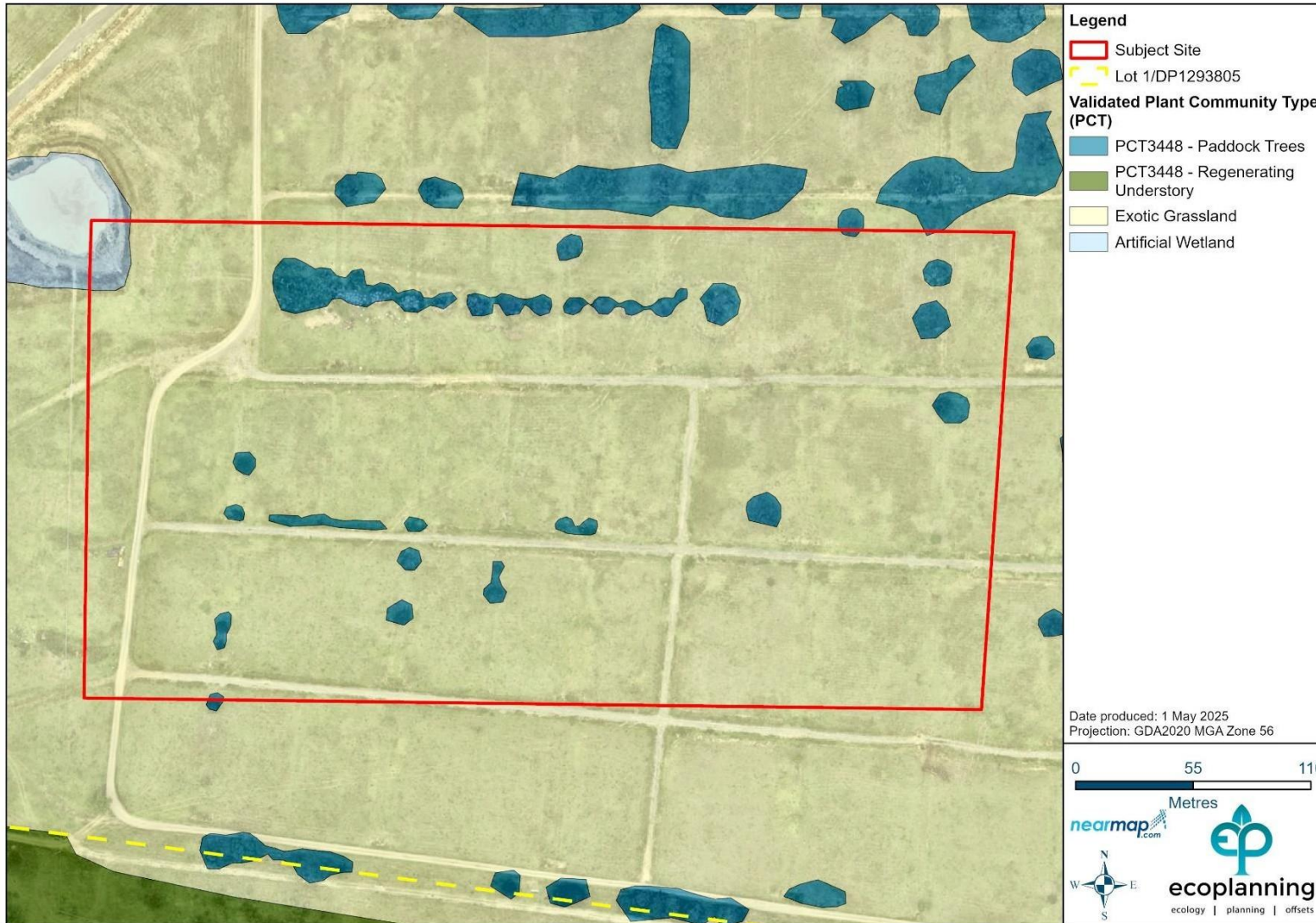


Figure 4 Validated Vegetation in SSSA subject site

Legislative Context and Application

State Environmental Planning Policy (Biodiversity Conservation) 2021 – Chapter 13 - Cumberland Plain Conservation Plan

The CPCP provides strategic biodiversity certification for development under Part 8 of the NSW *Biodiversity Conservation Act 2016* (BC Act) and strategic assessment under Part 10 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The subject site is mapped as Certified - Urban Capable Land under the CPCP.

The CPCP has obtained biodiversity certification for land specified within the CPCP. Areas mapped as 'Certified - Urban Capable Land' under the CPCP do not require further biodiversity assessment under the BC Act, as long as the necessary development consent is obtained, prescriptions or conditions of approval are met, and any unavoidable impacts are addressed through the CPCP conservation program.

Part 13.5 of the Biodiversity Conservation SEPP provides development controls for Certified - Urban Capable Land under the CPCP. Development consent must not be granted to development on Certified - Urban Capable Land unless the consent authority has considered whether the development is consistent with the CPCP Mitigation Measures Guideline (DPE 2022). The measures relevant to the development type and growth centre are listed below in **(Table 1)**. The proposed development will implement all the required mitigation measures and therefore is considered compliant with the CPCP biocertification. No additional assessment under the BC Act is required.

CPCP Mitigation Measures

The following mitigation measures from Appendix E of the CPCP are to be implemented in the subject site as part of the proposal. The mitigation measures are provided in **Table 1**.



Table 1: Mitigation measures

CPCP Mitigation Measure	BMP (Ecoplanning 2024)			Applicability to SSDA
	Site Specific Application (BMP)	Responsibility	Timing	
Retain large trees (including dead trees but excluding noxious weeds) ($\geq 50\text{cm}$ DBH) during precinct planning where possible and avoid impacts to soil within the dripline of these trees during construction.	Prioritise retaining trees where possible. All trees to be retained will be appropriately protected during the entire extent of the works, e.g., temporary fencing, flagging and tree protection. No personnel or machinery is to enter the area.	Construction contractor / Project Manager	Pre-construction and construction	N/A. No trees remain on the SSDA subject site following completion of work approved under the Bulk Earthworks DA.
Retain areas of high density Proteaceae shrubs where possible, particularly along riparian corridors.	The riparian corridor vegetation is to be protected throughout construction. No machinery or personnel are to enter.	Construction contractor / Project Manager	Pre-construction and construction	N/A. The SSDA subject site does not encroach upon riparian corridors.
Undertake preconstruction surveys prior to removal or disturbance (seasonally dependent, before torpor) to human made structures to ensure any roosting habitat for microbat species including mine shafts, storm water tunnels, old or derelict buildings, bridges and culverts, are retained where possible.	Prior to demolition of structures on site, they are to be inspected by a suitably qualified ecologist for the presence of microbats and other fauna. All fauna is to be relocated safely to a suitable location.	Construction contractor / Project Manager	Pre-construction and construction	N/A. No buildings or ancillary exist on the SSDA subject site.

CPCP Mitigation Measure	BMP (Ecoplanning 2024)			Applicability to SSDA
	Site Specific Application (BMP)	Responsibility	Timing	
Modify pest control techniques implemented during construction and operation of the development and under the pest control strategy to reduce the risk of secondary poisoning (e.g., from Pindone or second-generation rodenticides).	If pest control is used it will be done in consultation with a qualified specialist and aim to reduce the risk of secondary poisoning.	Construction contractor / Project Manager	Pre-construction and construction	If pest control is used it will be done in consultation with a qualified specialist and aim to reduce the risk of secondary poisoning.
Establish a 100 m minimum setback for development around flying fox camps. The setback area should be maintained free of flying fox roosting habitat.	N/A. No flying fox camps are within 100m of the subject site.	N/A	N/A	N/A. No flying fox camps are within 100m of the subject site.
Raptor nests require a 500 m circular setback from nest locations in undisturbed bushland or 250 m for nests adjacent to existing development. Owl nests require a 100 m circular setback from nest locations	Prior to vegetation clearing trees are to be inspected for the presence of nests by a qualified ecologist.	Construction contractor / Project Manager	Pre-construction	N/A. No trees remain on the SSDA subject site following completion of work approved under the Bulk Earthworks DA.
Incorporate best-practice site hygiene protocols to manage the potential spread of pathogens, such as	Manage the spread of <i>Phytophthora cinnamomi</i> as far as practical. See	All personnel	Construction	Manage the spread of <i>Phytophthora cinnamomi</i> as far as practical. See

CPCP Mitigation Measure	BMP (Ecoplanning 2024)			Applicability to SSDA
	Site Specific Application (BMP)	Responsibility	Timing	
<i>Phytophthora</i> and myrtle rust within or adjacent to potential habitat for relevant species	Appendix F of the FFA (Ecoplanning 2024b) for best practice methods.			Appendix F of the FFA (Ecoplanning 2024b) for best practice methods.
Consult with relevant land managers to implement critical actions for Cumberland Plain land snail (CPLS) under the Save our Species program (EES, 2020) on public land adjacent to urban development during construction and operation of the development, taking into account relevant guidance in the weed control implementation strategy and the fire management strategy.	Prior to construction vegetation is to be surveyed by a qualified ecologist for Cumberland Plain Land Snail. If identified, consultation is to occur with the relevant land managers under the Save our Species program on how to manage the species.	Construction contractor / Project Manager	Pre-construction	N/A. Vegetation and topsoil have been stripped from the study area under the Bulk Earthworks DA.
Implement 'open structure design' when designing structures such as roads adjacent to known populations of Cumberland Plain land snail where possible, consistent with the critical actions for this species under the Save our Species program (EES 2020)	Prior to construction vegetation is to be surveyed by a qualified ecologist for Cumberland Plain Land Snail. If identified, implement 'open structure design' when designing structures such as roads adjacent to known populations of Cumberland Plain land snail where possible, consistent with	Construction contractor / Project Manager	Pre-construction	N/A. Vegetation and topsoil have been stripped from the study area under the Bulk Earthworks DA.

CPCP Mitigation Measure	BMP (Ecoplanning 2024)			Applicability to SSDA
	Site Specific Application (BMP)	Responsibility	Timing	
	the critical actions for this species under the Save our Species program.			
Incorporate best-practice site hygiene protocols to manage the potential spread of pathogens, such as <i>Phytophthora</i> and myrtle rust adjacent to potential habitat for relevant TECs	Manage the spread of <i>Phytophthora cinnamomi</i> as far as practical. See Appendix F of the FFA for best practice methods.	All personnel	Construction	Manage the spread of <i>Phytophthora cinnamomi</i> as far as practical. See Appendix F of the FFA for best practice methods.
Manage weeds for flora populations and habitat adjacent to urban and infrastructure development during construction and operation of the development, considering relevant guidance in the weed control implementation strategy.	Manage weeds using best practice hygiene methods in accordance with the NSW Biosecurity Act. Any waste containing weed propagules must be disposed of at an appropriately license waste facility.	Construction contractor / Project Manager	Construction	Manage weeds using best practice hygiene methods in accordance with the NSW Biosecurity Act. Any waste containing weed propagules must be disposed of at an appropriately license waste facility.
Consult with managers of land containing known populations or habitat for relevant species (<i>Dillwynia tenuifolia</i> , <i>Grevillea juniperina</i> subsp. <i>juniperina</i> <i>Pultenaea parviflora</i>) to mitigate indirect impacts from fire	N/A. No threatened flora populations are present	N/A	N/A	N/A. No threatened flora populations are present

CPCP Mitigation Measure	BMP (Ecoplanning 2024)			Applicability to SSDA
	Site Specific Application (BMP)	Responsibility	Timing	
during construction and operation of the development, considering guidance in the fire management strategy				
Consult with land managers of land containing known populations or habitat for relevant species (<i>Dillwynia tenuifolia</i> , <i>Grevillea juniperina</i> subsp. <i>juniperina</i> <i>Pultenaea parviflora</i>) to mitigate indirect impacts from human disturbance during construction and operation of the development, including controlling public access, managing maintenance activities such as mowing and slashing, and managing rubbish dumping.	N/A. No threatened flora populations are present	N/A	N/A	N/A. No threatened flora populations are present

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

On 26 March 2024, the Commonwealth Minister for Environment and Water granted an approval of the actions described in the CPCP in accordance with Part 10 of the EPBC Act.

Previously, development significantly impacting on matters of national environmental significance (MNES) on Urban Capable Land could not commence until the Commonwealth CPCP approval was in place. If MNES will not be significantly impacted, then the development may proceed subject to other relevant environmental and planning approvals being obtained.

As a result of this decision, it is no longer a requirement for the AIBP development to assess commonwealth biodiversity impacts within certified urban capable land, provided it is compliant with the CPCP.

Water Management Act 2000

Waterfront land is defined under the WM Act as the area within 40 m of top of bank. The subject site does not intersect waterfront land. As such, the proposal does not require a Controlled Activity Approval or Vegetation Management Plan (VMP) as per section 32 of the WM Act.

Conclusion and recommendations

The proposed development will need to implement all the required CPCP mitigation measures (**Table 1**) to be considered compliant with the biocertification under the CPCP. No further assessment under the BC Act or EPBC Act is required for the proposed warehouse within the subject site.

Yours sincerely,



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