

Client

Goodman Property Services (Aust)
Pty Ltd

Project

Oakdale West Estate

Stage 2 (SSD10397) and MOD 3 (SSD7348)

Biodiversity Impact Assessment_amended

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1. Overview

Goodman Property Services (Australia) Pty Ltd (Goodman) recently obtained development consent for the staged development of Oakdale West Industrial Estate (Oakdale West), which comprises a warehousing and distribution hub in Kemps Creek, Western Sydney.

The approved development is State significant development (SSD 7348), which includes the following:

- A Stage 1 development application (DA) for bulk earthworks across the site, construction and operation of the first 3 warehouse buildings and construction of the Western North-South Link Road (WNSLR); and
- Concept Proposal for 22 warehouse buildings, offices and associated infrastructure, which would be delivered over 5 stages, with Stages 2 to 5 the subject of separate DAs.

Goodman is now seeking approval for the construction and operation of a warehouse and distribution centre within the approved Oakdale West and associated modifications to the approved concept layout, including:

- A Stage 2 development application (SSD 10397) for the construction and operation of a warehouse and distribution facility within a portion of Precinct 2; and
- Modifications (SSD7348 MOD 3) to the approved concept plan for the Oakdale West Estate

This biodiversity impact assessment has been undertaken to support SSD7348 MOD 3 and specifically addresses the Planning Secretary's Environmental Assessment Requirements (SEARs) issued on 15 November 2019.

The issues that must be addressed as they relate to biodiversity are as follows:

- Biodiversity including an assessment of how biodiversity impacts have been addressed through the Oakdale West Estate Concept Plan or a waiver for the preparation of a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016* (refer Sections 3.1 and 4).
- If the development is likely to have a significant impact on Matters of National Environmental Significance (MNES) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) will be required (refer Sections 3.2 and 4).

This would be in addition to any approvals required under NSW legislation and it is the Applicant's responsibility to contact the Commonwealth Department of Environment and Energy (DoEE) to determine if an approval under the EPBC Act is required.

- Consultation with relevant Local, State or Commonwealth Government Authorities (refer Section 4).

2. Development consent history

2.1 SSD7348 Stage 1 and Concept Plan

Development consent approved the removal of approximately 4.41 hectares (ha) of remnant native vegetation and approximately 3.0 ha of regenerating or planted (derived) native woodland, subject to a number of consent conditions, which are summarised in Table 1-2.

Table 2-1. Consent conditions and status in relation to development consent history

Consent condition	Status
D88. The Applicant must prepare a Flora and Fauna Management Plan (FFMP) for Stage 1, to the satisfaction of the Planning Secretary.	Completed
D89. 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	Ongoing for duration of development
D90. 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	To be completed within 12 months
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.	Not commenced
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)	Not commenced
D93. 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 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)	To be completed within 12 months
D94. The Applicant shall monitor and maintain the planting for a period of six months to ensure a minimum 85% survival rate of the planting.	Not commenced
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.	Not commenced
D96. 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.	Detailed in FFMP subplan to CEMP

2.2 SSD7348 MOD 1

An application to modify the Concept Proposal approval to account for minor civil and stormwater design changes and modification to the biodiversity strategy was recently submitted (SSD7348 MOD 1) to the Department of Planning, Infrastructure and Environment (DPIE).

Design changes proposed in MOD 1 reduced the total area of native remnant vegetation to be cleared from 4.41 ha to 4.38 ha. The small difference in clearing of native vegetation does not affect the ecosystem credits required to be retired under Condition D90.

MOD 1 also sought to fulfil Condition 90 through one or more of the following methods:

1. Purchase from the market and retire matching BioBanking credits i.e. those calculated under the former BioBanking Assessment Method (BBAM) and/or
2. Purchase from the market of ecosystem credits calculated under the current biodiversity assessment method (BAM) and/or
3. Payment of equivalent funds directly to the Biodiversity Conservation Trust (BCT).

Table 2-2 summarises the SSD7348 consent conditions that are affected by MOD 1. All other consent conditions not shown in Table 1-3 remain unaffected.

Table 2-2 Consent conditions affected by MOD 1

Consent condition	Status
D90. 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.	Clearing 4.41 ha of native vegetation on the Site, reduced to 4.38 ha with no changes to the 172 ecosystem credits required to offset native vegetation removal.
D91. The Applicant shall establish a Biodiversity Offset Area (BOA) on the Site, consistent with the area described in the RTS, in accordance with a Biodiversity Stewardship Agreement with the Biodiversity Conservation Trust.	No longer relevant as the Applicant will fulfil Condition D90 by way of one or more of the three methods detailed in the above section. MOD 1 seeks to remove this condition.
D92. The Applicant must maintain the BOA on the Site in accordance with a Biodiversity Management Action Plan approved by the Biodiversity Conservation Trust (BCT)	As the Applicant will not be creating an onsite BOA the requirement for the preparation of a Biodiversity Management Action Plan is redundant. MOD 1 seeks to remove this conditional requirement and approve the Oakdale West Estate Vegetation Management Plan (écologique, 02/10/2019). The Oakdale West Estate Vegetation Management Plan (VMP) has been prepared to fulfil the objectives of the <i>Water Management Act 2000</i> (WM Act) through the restoration of a riparian corridor along Ropes Creek - which would otherwise have been restored under the redundant BOA. The VMP also describes how the remaining areas of the former BOA (outside of the Ropes Creek riparian corridor) will be protected and managed.

2.3 SSD7348 MOD 2

The proposed modification to aspects of the Stage 1 development do not result in any impacts to the Site's biodiversity and related consent conditions.

2.4 Stage 2 DA and SSD7348 MOD 3

The proposed modification to the Stage 2 DA (SSD 10397) and SSD7348 MOD 3 affects only the remnant native vegetation along the western boundary of Oakdale West. Refer discussion in Section 3.

3. Biodiversity impact assessment

3.1 Native vegetation clearing

The changes in the proposed Stage 2 DA and MOD 3 development footprint have marginally impacted on vegetation clearing along the western boundary of Oakdale West. Vegetation that will be impacted is the plant community type (PCT) Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (PCT 850).

However, these impacts are both negative and positive with areas of increased clearing and decreased clearing maintaining or improving on the net extent of PCT 850 clearing to that approved under SSD7348 and under the EPBC Act (see Section 3.2).

Figure 3-1 illustrates the amended extent of PCT 850 clearing in comparison that proposed under SSD7348 MOD 1, following most recent survey of this area (9/12/2019).

The areas of vegetation clearing that would change under MOD 3 along the western boundary equate to 0.518 ha for MOD 1 and 0.513 ha for MOD 3.

The proposed Stage 2 DA and MOD 3 concept proposal do not affect the 172 ecosystem credits required to offset native vegetation removal (as per Condition D90).

3.2 Matters of National Environmental Significance

3.2.1 Cumberland Plain Shale Woodlands & Shale-Gravel Transition Forest ecological community

A referral to the Commonwealth Department of Environment and Energy (DoEE) was made for the SSD7348 Concept Plan for the removal of native remnant vegetation that met the criteria for being considered as threatened ecological communities under the EPBC Act. These include the following PCTs:

- Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (PCT 849); and
- Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (PCT 850)

Approval (EPBC 2017/7952) was granted for the clearing of no more than 2.06 ha of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community (CPW).

Although it should be noted that only 1.81 ha collectively of PCT 849 and PCT 850 meet the criteria for being considered as threatened ecological communities under the EPBC Act.

As shown in Table 3-1, 0.97 ha of PCT 849 (Zone 4) and 0.84 ha of PCT 850 (Zone 7) meet the patch size / class category (i.e. patch size >0.5ha) of the EPBC Act listed CPW.

The proposed Stage 2 DA and MOD 3 concept proposal do not impact on the extent of CPW that has been approved to be cleared by DoEE

Table 3-1. Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest assessment under EPBC Act criteria

Zone	Code	Condition	Area (ha)	EPBC Act	Area (ha)
4	PCT 849	Moderate/ Good	0.97	CEEC	0.97
5	PCT 849	Moderate/ Good_High	0.05	-	
6	PCT 849	Moderate/ Good_Medium	0.10	-	
7	PCT 850	Moderate/ Good	0.84	CEEC	0.84
8	PCT 850	Moderate/ Good_High	0.10	-	
			2.06	-	1.81

3.2.2 Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community

SSD7348 MOD 1 identified a small area of *Casuarina glauca* (Swamp Oak) regrowth (12.5m² or 0.00125 ha) that would require clearing from the construction of an outlet to Ropes Creek from Bioretention Basin no. 5. This area of regrowth emerged following the lodgement, assessment and approvals phase of the SSD7348 Concept Plan.

The regrowth was determined to be continuous with a larger patch of the EPBC Act listed, a Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community

A significance of impact assessment determined that a referral under the EPBC Act was not required. The assessment included the indicators specified by the Commonwealth Threatened Species Scientific Committee that should be considered when assessing the impacts of proposed actions under national environment law.

Stage 2 and MOD 3 do not result in any further clearing of this vegetation community.

4 Conclusion

The design of the Stage 2 and MOD 3 concept proposal has considered impacts on biodiversity and will not result in any increase in clearing nor affect the 172 ecosystem credits required to offset native vegetation removal (as per Condition D90).

The proposed Stage 2 DA and MOD 3 concept proposal will not result in any additional impacts to that already approved by DoEE on the EPBC Act listed CPW.

No other MNES will be impacted on as a result of the Stage 2 DA and MOD 3 concept proposal. Therefore, additional approval under the EPBC Act is not required.

This information will be forwarded to DoEE and DPIE's Climate Change and Sustainability department for consultation.



Areas impacted

- Decrease
- Increase

Extent of clearing

- MOD 1 Zone 7, PCT 850, CPW on shale
- MOD 3 Zone 7, PCT 850, CPW on shale

Oakdale West Estate
MOD 3 Biodiversity Impact Assessment
MOD 3 amended vegetation clearing

Coordinate System: MGA Zone 56 (GDA 94)
Image sources: Nearmap 27 October 2019

Figure 3-1. Amended extent of PCT 850 clearing