

Goodman Property Services (Aust) Pty Ltd  
The Hayesbery  
1 11 Hayes Road  
Rosebery NSW 2018

**Attention:**

Stephanie Partridge, Senior Development Manager

June 5, 2021

Dear Stephanie,

## Oakdale West Estate - SSD7348 MOD 7, Buildings 3B & 4E Biodiversity Statement

I confirm that there will be no impacts on biodiversity matters within the Oakdale West Industrial Estate (SSD 7348) as a result of the proposed SSD 7348 (MOD 7), Building 3B Development Application (DA) and Building 4E SSDA. Table 1 provides a summary of the proposed DA applications as they relate to this assessment.

**Table 1. Proposed development applications**

Development Application	Approval Authority	Details
SSD 7348 (MOD 7)	DPIE	Minor change to building layouts across Precinct 3 and 4, namely Lot 3B, 3C, and 4E, which results in minor amendments to the estate infrastructure including bulk earthworks in both precincts, the removal of an Estate Road in Precinct 4, and inclusion of additional retaining walls in Precinct 3 & 4.
Building 3B DA	Penrith City Council	Construction of Building 3B within Precinct 3, fit out and use as a warehouse and distribution centre with two (2) tenancies.  The proposal also includes subdivision of Precinct 3 to reflect the proposed layout of the lot for Building 3B.  The proposal does not require clearing or supporting infrastructure as all necessary vegetation removal, infrastructure installation and other investigations were approved and have been undertaken in accordance with SSD 7348.
Building 4E SSDA	DPIE	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.  The proposal does not require clearing or supporting infrastructure as all necessary infrastructure installation and other investigations were approved and undertaken under SSD 7348.

## Background

Most biodiversity related to SSD 7348 consent conditions were specific to both pre-construction and the construction (i.e. bulk earthworks) for the SSD 7348 Concept Plan and Stage 1 development phase. The key consent conditions, which have been completed compliantly relate to the following:

- Retirement of 172 ecosystem credits, under the NSW Biodiversity Offsetting Scheme, to offset the removal of native vegetation on the Site; and
- Preparation and implementation of a Flora and Fauna Management Plan (FFMP) as a subplan to the SSD 7348 Construction Environmental Management Plan (CEMP)

Implementation of the Oakdale West FFMP (écologique, 2020) ensured that the following key biodiversity condition requirements were completed compliantly:

- Clearing of native vegetation 4.38 hectares of native vegetation and potential fauna habitat as a component of the site's bulk earthworks;
- Decommissioning of four farm dams, including the capture and relocation of native aquatic fauna;
- Installation of snake deterrent fencing along the western boundary of Oakdale West and snake habitat within the north-western biodiversity management area (BMA); and
- Relocation of large woody debris to the north-western and eastern BMA areas.

Table 2 (enclosed) summarises the history of all relevant SSD 7348 consent conditions and the status of each condition, as they relate to biodiversity matters. In addition to the relevant SSD 7348 consent conditions listed in Table 1, consent conditions relating to a controlled action approval under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) have also been completed compliantly.

## In summary

In summary, all vegetation and habitat removal has been completed, with no further vegetation or habitat removal required from any of the Precincts in the Oakdale West Estate.

The majority of native vegetation that has been retained is located within BMA areas, with smaller areas located in easements and outside of developable estate areas.

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:

- 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;
- 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;
- Implementation of the following mitigation measures:
  - Retained vegetation is to be appropriately demarcated with readily visible signage to plant operations that it is a 'no go' construction zone;
  - 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 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.

Yours faithfully,



Kat Duchatel  
BSc. Env. BAAS17054 | CEnvP EIANZ #691

Enclosed:

- Table 2, which summarises consent conditions and status in relation to development consent history
- Figure 1, which illustrates all areas of approved vegetation clearance along with vegetation that has been retained.
- Figure 2, which illustrates the absence of any biodiversity matters within the MOD 7, Building 3B and Building 4E development areas.
- Figure 3, which illustrates the existing retained native vegetation proximal to Lot 4E.

Table 2. 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 Figure 9 (Appendix 6 of consent conditions). Plant the areas	Amended in MOD 5

SSD reference	Consent condition	Status
	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	MOD 5 sought to amend the area within which offsetting is take place due to this area no longer being available for this purpose.  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.	Currently being implemented
SSD 7348	D94. The Applicant shall monitor and maintain the planting for a period of six months to ensure a minimum 85% planting survival rate.  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.	
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



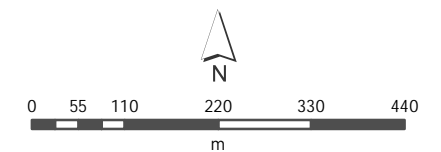


## Oakdale West Estate SSD 7348

Figure 1. Site Context

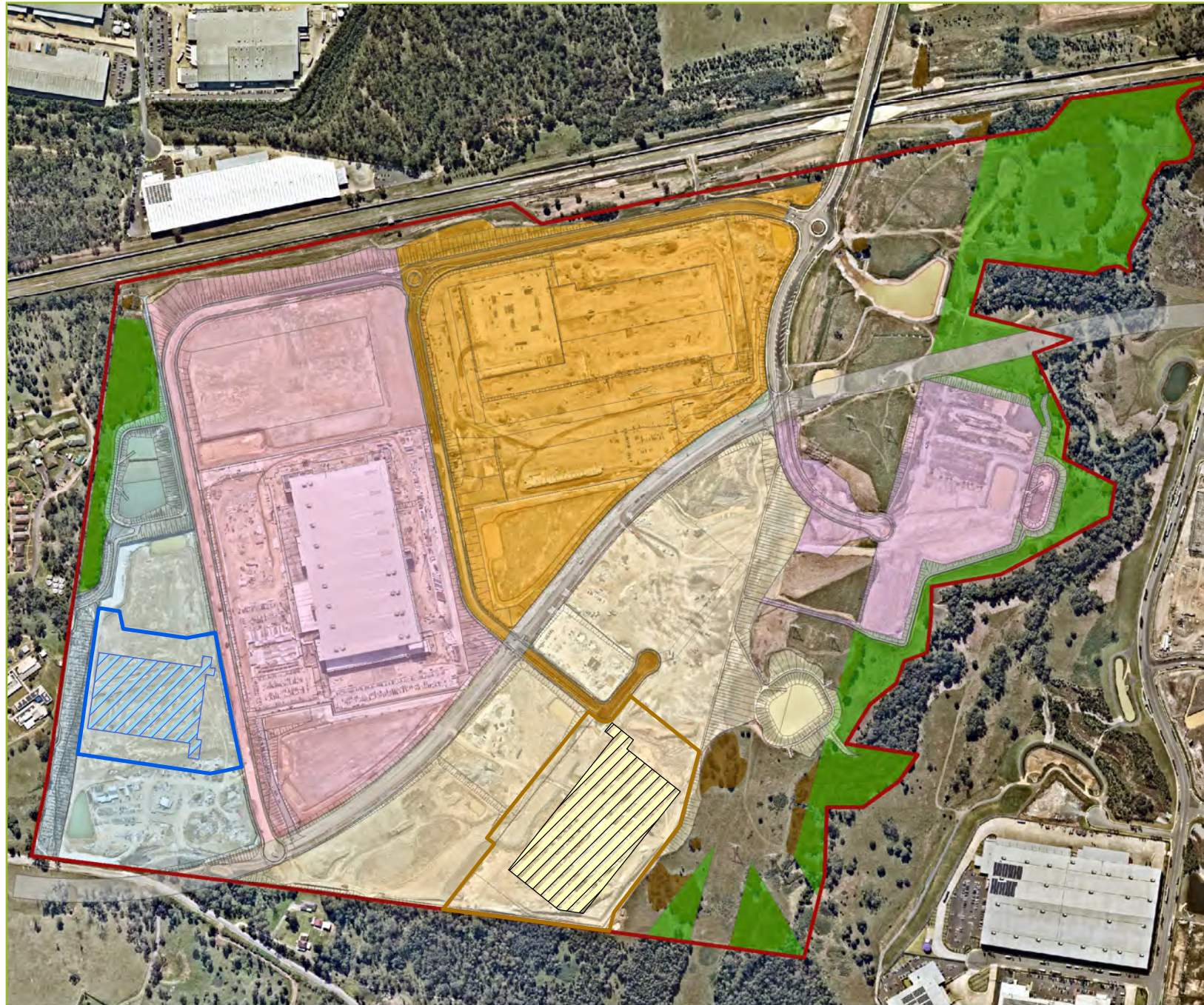
### Legend

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



Coordinate System: MGA Zone 56 (GDA 94) | Image sources: Nearmap 10 April 2021



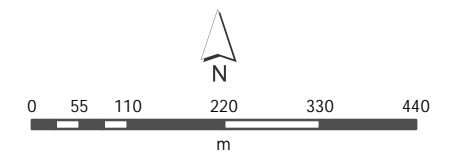


## Oakdale West Estate SSD 7348

Figure 2.  
SSD MOD 7/ DA site context

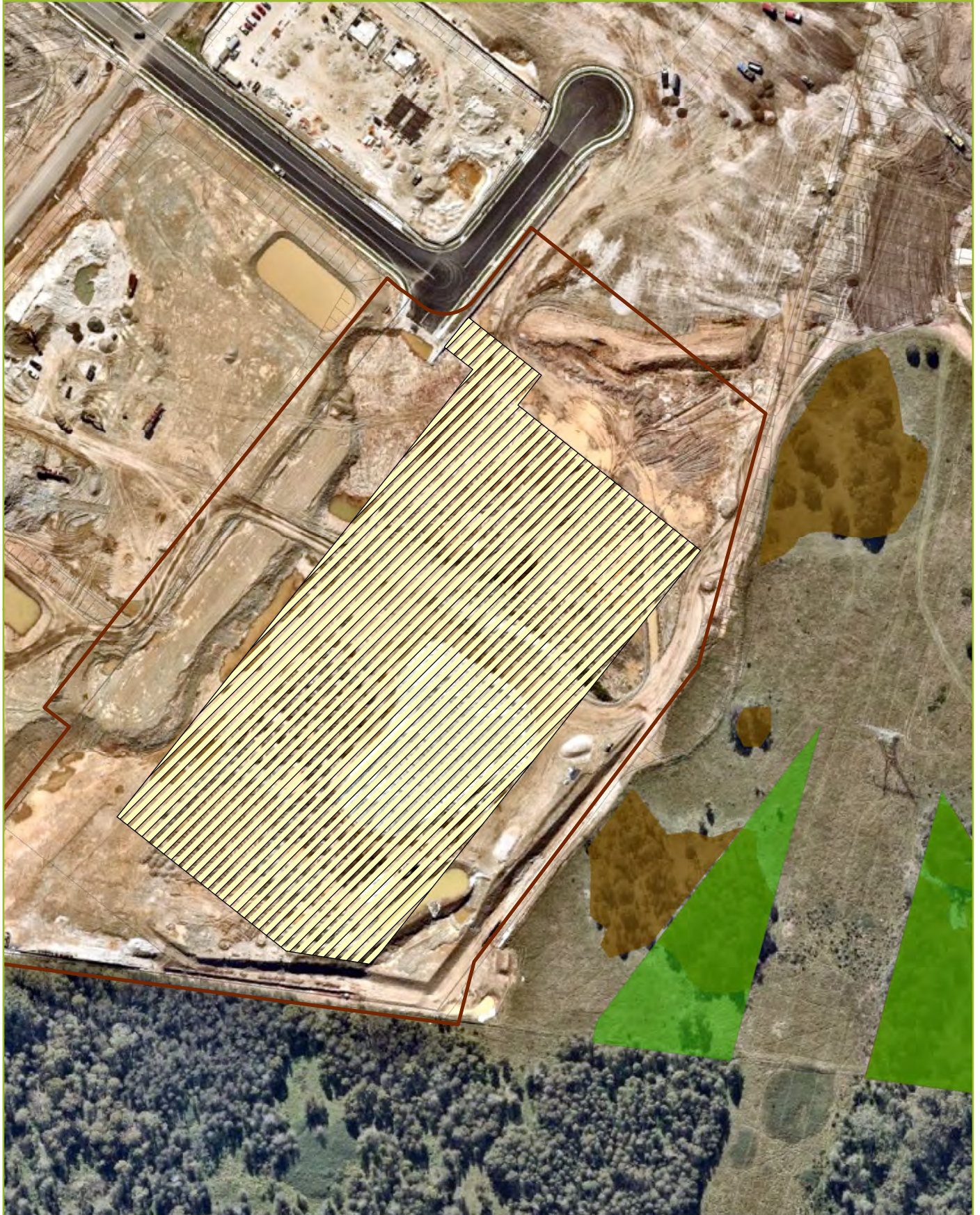
### Legend

- Building 3B
- LOT 3B
- Building 4E
- LOT 4E
- Oakdale West boundary
- Precinct 1
- Precinct 2
- Precinct 3
- Precinct 4
- Precinct 5
- Future SLR
- Biodiversity management areas
- Vegetation retained outside of BMA







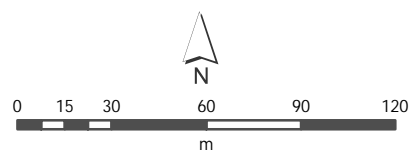
Coordinate System: MGA Zone 56 (GDA 94) | Image sources: Nearmap 10 April 2021





Legend

-  Building 4E
-  LOT 4E
-  Biodiversity management areas
-  Vegetation retained outside of BMA



Oakdale West Estate SSD 7348

Figure 3. Lot 4E

*Coordinate System: MGA Zone 56 (GDA 94)  
Image sources: Nearmap 10 April 2021*