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14 July 2020

Our ref: 20SYD-16606

ESR Australia
Level 29, 20 Bond St,
Sydney NSW 2000

Attention: Riley Sampson

Dear Riley,

Bringelly Rd Business Hub, Horningsea Park – Biodiversity Assessment / Biodiversity Development Assessment Report Waiver

Eco Logical Australia (ELA) was engaged by ESR Australia to undertake a biodiversity assessment of a proposed development located at 50 Bringelly Rd, Horningsea Park (Lot 4 of the Bringelly Rd Business Hub (SSD 6324), the 'subject site', **Figure 1**). ESR propose to lodge a development application for development of a warehouse and associated infrastructure and parking. This proposal is a State Significant Development (SSD) under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). This biodiversity assessment would accompany the Environmental Impact Statement (EIS) provided in response to the Secretary's Environmental Assessment Requirements (SEARs) issued by the Department of Planning Industry and Environment (DPIE 2020).

BACKGROUND

The proposed development site, located on Lot 4 of the Bringelly Road Business Hub development land (the 'subject site', **Figure 1**), lies within the Liverpool City Council Local Government Area (LGA) and forms part of Western Sydney Parklands. Development Consent for the Stage 1 subdivision and early works of the Bringelly Road Business Hub was granted by the Minister for Planning and Environment in early 2016 (SSD 6324). The development land is also located within the South West Growth Centres, which was subject to Biodiversity Certification under the NSW *Threatened Species Conservation Act 1995* (TSC Act). However, the study area is on non-certified land.

The proposed development will involve the construction of a c.35,000 sqm warehouse, two levels of office space, three dock offices and 230 car parking spaces and associated pavement for vehicle movement around the warehouse (**Figure 2**).

The subject site has been completely cleared of vegetation and levelled as a part of the Stage 1 earth works. Approval of this clearing was provided following the purchase and retirement of biodiversity offset credits as required by the Development Consent for the Bringelly Rd Business Hub (SSD 6324). There are no other habitat features, such as dams or water courses on the subject site.

LEGISLATIVE CONTEXT

In accordance with clause 7.9(2) of the NSW *Biodiversity Conservation Act 2016* (BC Act), any SSD application 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*. To waive the requirements for a BDAR, it must be demonstrated that the site does not contain biodiversity values in accordance with Clause 1.5 of the BC Act and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*.

The subject site covers an area approximately 6.97 ha, which does not contain any vegetation or habitat features including dams or waterbodies (**Figure 1**). The development proposal does not involve the removal of vegetation for the proposed works. Additionally, the subject site does not contain habitat for threatened species or ecological communities.

The proponent may therefore request the Department of Planning Industry and Environment (DPIE) waiver the preparation of a BDAR. In accordance with the DPIE (2019) advice, **Table 1** provides the BDAR waiver request information requirements and **Table 2** describes the impacts of the proposed development on biodiversity values.

As the subject site does not contain any vegetation or any potential habitat for threatened species (i.e. waterbodies or dams), no tests of significance under the NSW *Biodiversity Conservation Act 2016* (BC Act) or significant impact criteria under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) have been applied.

It was determined that the proposed development will not have a significant impact on biodiversity values, and as such, a BDAR waiver should be sought. This letter should be submitted in support of that application for a BDAR waiver.

Regards,

Bronwyn Callaghan
Botanist, BAM Accredited Assessor

REFERENCES

Department of Planning & Environment, 2016a. State Significant Development Assessment Report: Bringelly Road Business Hub Bringelly Road, Leppington (SSD 6324).

Department of Planning & Environment, 2016b. Development Consent (SSD 6324).

Department of Planning, Industry & Environment, 2019. How to apply for a biodiversity development assessment report waiver.

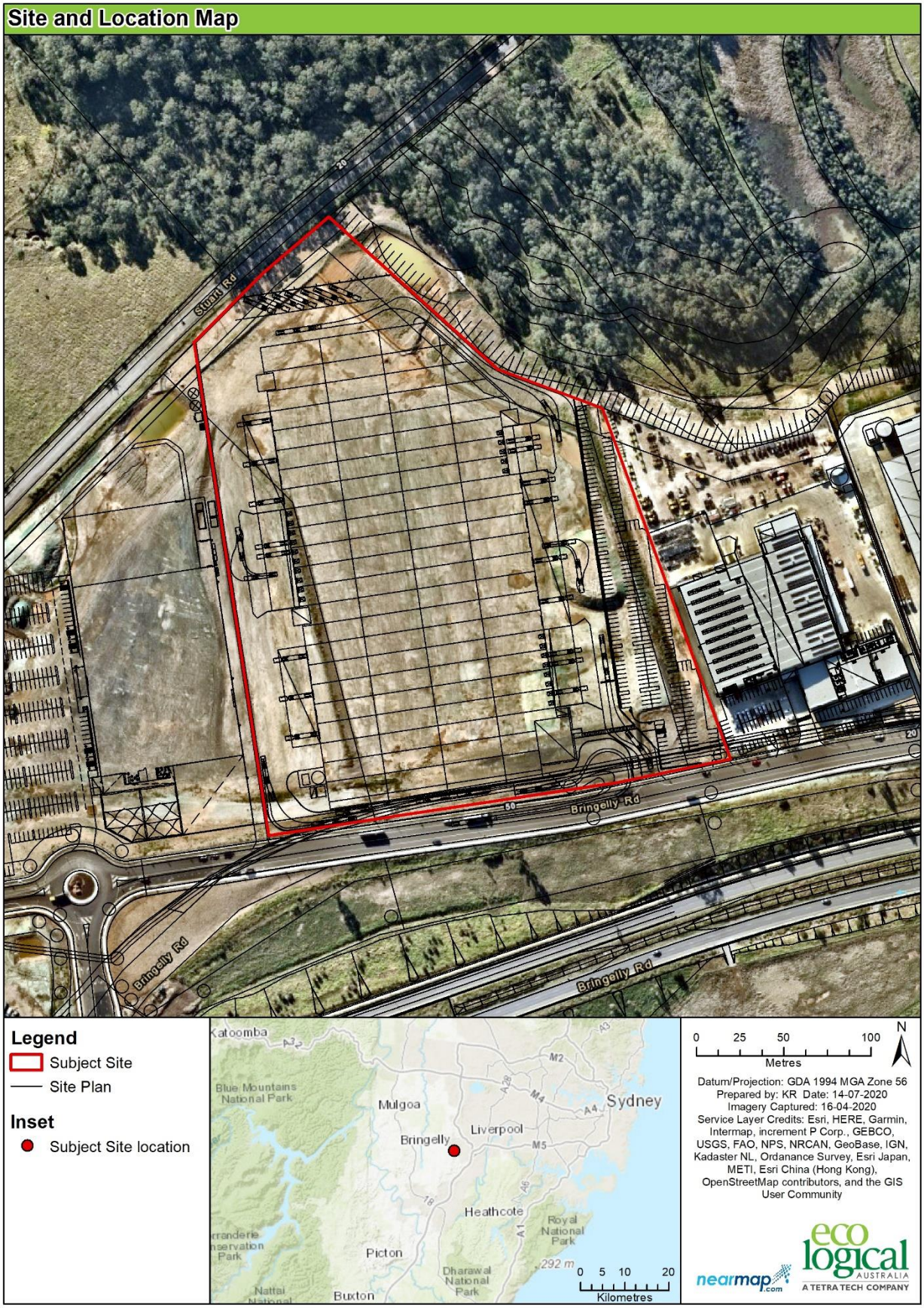

Figure 1: Site and location map.

Table 1: BDAR waiver request information requirement

Category	Details required	Information
Admin	• Proponent name and contact details	• ESR Australia Level 29, 20 Bond St, Sydney NSW 2000
	• Name and ecological qualifications of person completing Table 2.	• Bronwyn Callaghan, Botanist and BAM Accredited Assessor (#BAAS20019) with 8 years experience, B. Env. Sc. (Hons) UOW.
Site details	• Street address, Lot and DP, local government area.	• 50 Bringelly Rd, Horningsea Park NSW, Lot 4 within Bringelly Road Business Hub development areas (SSD 6324) (Lot 2, 3, 12, 13, DP29104), Liverpool local government area
	• Description of existing development site, i.e., the area of land that is subject to the proposed development application	• The proposed development site is a 6.97 ha lot within the Bringelly Rd Business Hub which lies between Bringelly Rd and Stuart Rd in Horningsea Park. The proposed development site is currently unoccupied has no buildings on it. It has recently been subject to preliminary earth works, which involved the removal of all vegetation on site.
	• Location map showing the development site in the context of surrounding areas and landscape features. Satellite image of site in context of adjoining sites.	• See regional inset map in **Figure 1**
	• Site Map (to scale, ideally as a spatial shapefile).	• See **Figure 1**
Proposed development	• Project Description providing enough information to enable an understanding of the nature and scale of the proposed development and any associated activities (including construction etc).	• ESR Australia proposes to develop a 34,570 m^2 warehouse on the subject site, which includes two levels of offices covering 1000 m^2. Three smaller dock offices will be located around the perimeter of the warehouse. A small guard house (19 m^2) will be located at the entrance in the south east corner of the subject site. Car parking will be provided with 230 spaces on the eastern edge of the subject site, and light and heavy duty pavement will allow for vehicle movement around the outside of the warehouse.
	• Proposed Site Plan	• Please see **Figure 2** and **Figure 3** below
Impacts on biodiversity values		• Provided below in **Table 2**

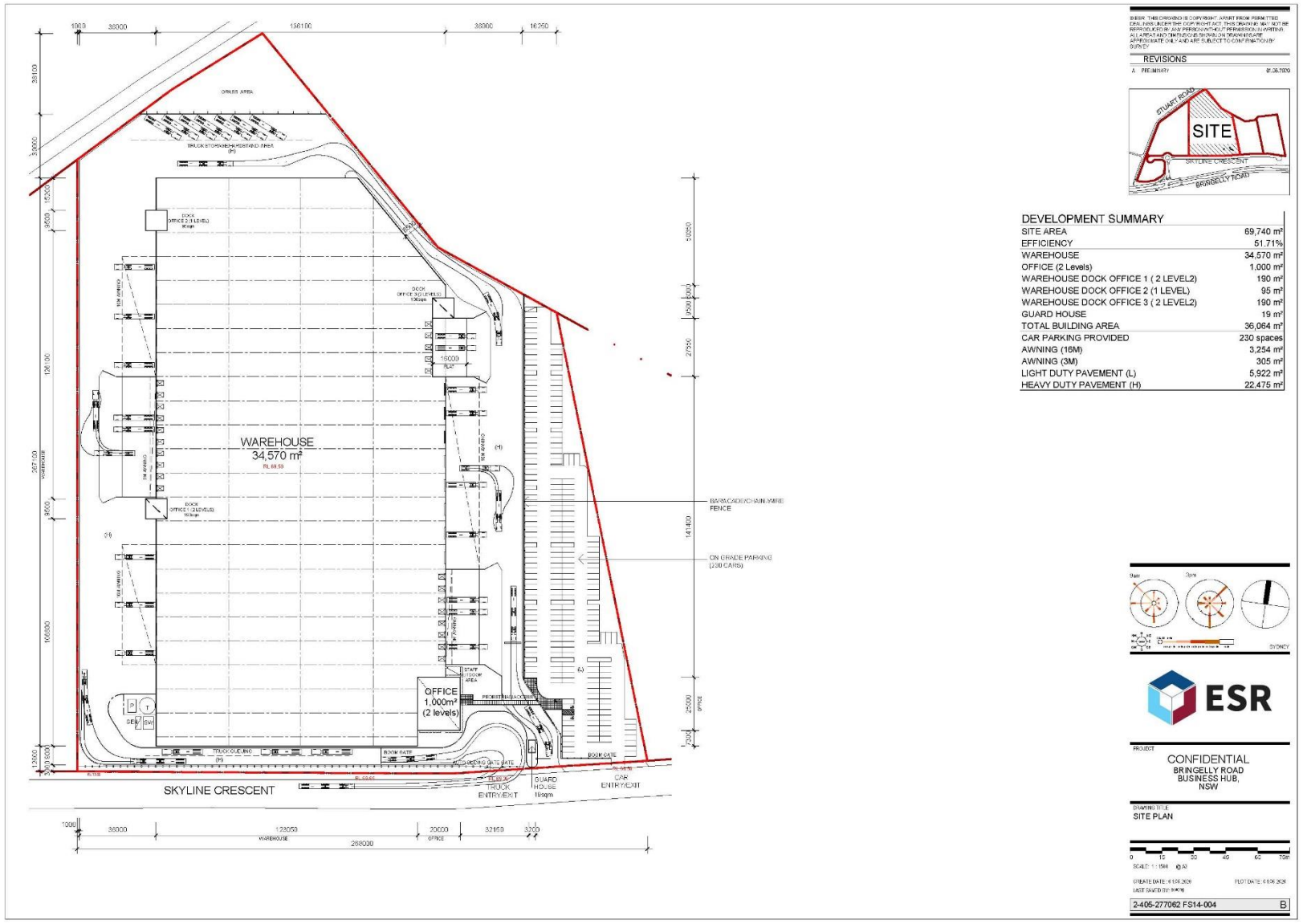

Figure 2: Proposed site plan – ground floor.

Figure 3: Proposed site plan – development in the context of the Bringelly Road Business Hub.

Table 2: Criteria to assess biodiversity under the BC Act and BC Regulation

Biodiversity Value	Meaning	Discussion of values within study area
Biodiversity Conservation Regulation **(Clause 1.4)**		
a) Threatened species abundance	*The occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site.*	No threatened ecological communities (TEC) are present within the subject site. No threatened flora species are present on the subject site and, due to the lack of vegetation and highly altered state of the soils within the subject site, there is no habitat is available for threatened flora species. As there are no vegetation present at the subject site, there is no potential foraging habitat for the threatened fauna. No roosting habitat is available within the subject site for hollow-dependent threatened fauna species due to the absence of trees. There are no human-made structures present within the subject site that could provide potential roosting habitat for threatened microbat species such as culverts, bridges or railway tunnels. There is no litter layer or coarse woody debris due to the lack of vegetation and, therefore, no habitat is available within the subject site for threatened fauna species dependent on natural litter layers or coarse woody debris.
b) Vegetative abundance	*The occurrence and abundance of vegetation at a particular site.*	There is no vegetation within the subject site and no Plant Community Types are present.
c) Habitat connectivity	*The degree to which a particular site connects different areas of habitat of threatened species to facilitate movement of those species across their range.*	There is no vegetation within the subject site. The subject site does not provide connection between different areas of habitat that would facilitate threatened species movement across their range.
d) Threatened species movement	*The degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle.*	The subject site is entirely cleared of vegetation and is surrounded by large industrial buildings to the east and west (in development) and roads and cleared areas to the south and an isolated patch of vegetation to the north. Movement across the subject site for less mobile threatened fauna, such as mammals, is highly unlikely due to the lack of vegetation cover. Whilst more mobile threatened fauna, including birds and bats, may fly over the subject site, it doesn't contribute to their movement in any way as there is no vegetation or structures which might assist their movement to maintain their lifecycle. Due to the highly disturbed soil within the subject site, there would be very little opportunity for genetic dispersal of threatened flora species in the form of germinating seeds. Further, given the absence of vegetation on site, dispersal of pollen from threatened plants via insect or other animal vectors through the subject site is likewise unlikely.

Biodiversity Value	Meaning	Discussion of values within study area
		The subject site is not considered to be significant for the movement of any threatened species to maintain their lifecycle.
e) Flight path integrity	*The degree to which the flight paths of protected animals over a particular site are free from interference.*	The subject site is comprised of cleared land. It does not contain any vegetation and therefore does not contribute to landscape connectivity. Flight paths of protected animals are unlikely to currently come in close contact with the subject site. The maximum height of the proposed warehouse is 13.7 m in height, which is similar to the large industrial buildings in its immediate surrounds. The flight paths of protected animals, therefore, are unlikely to be affected by the proposed development.
f) Water sustainability	*The degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.*	No natural water courses are present within the subject site. The subject site in its current state has been altered through preliminary earth works and does not contain water bodies or contribute to hydrological processes that sustain threatened species or ecological communities within or adjacent to the site.
Biodiversity Conservation Act **(Clause 1.5 (2))**		
a) Vegetation integrity	*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.*	There is no vegetation on the subject site due to previously approved earth works which included the removal of all vegetation. The proposed development will not compromise the vegetation integrity of the site.
b) Habitat suitability	*The degree to which the habitat needs of threatened species are present at the particular site.*	Suitable habitat for threatened species is highly limited within the subject site given there in no vegetation or habitat features such as dams, habitat trees, woody debris or human-made structures. As the subject site has been entirely cleared of native vegetation and the soil has been significantly altered due to preliminary earth works, there is no habitat for any threatened flora species. Due to the lack of vegetation, there is no foraging habitat for threatened fauna species. Likewise, there is no roosting habitat available within the study area for hollow-dependent threatened fauna species. There is no potential roosting habitat for threatened microbat species in the form of human-made structures, such as culverts, bridges or railway tunnels on the subject site. There is no natural litter layer or coarse woody debris on the subject site and, therefore, no habitat available for threatened fauna species dependent on natural litter layers or coarse woody debris. The proposed development will not compromise any habitat needs of threatened species on the subject site.