



June 2021

To whom it may concern c/o
Electric Pty Ltd
PO Box 852
Rose Bay NSW 2029

**Elizabeth Drive Biodiversity Assessment
Response to Environment, Energy and Science comments on ammended EIS**

This letter presents GHD Pty Ltd (GHD) responses to Environment, Energy and Science (EES) comments on the Biodiversity Development Assessment Report (BDAR) dated August 2020 for the proposed industrial subdivision at 1111-1141 Elizabeth Drive, Cecil Park, NSW (Lot 2 DP 2954) (the proposal).

An amended Environmental Impact Statement (EIS) and updated BDAR were prepared in mid-2020 to reflect alterations to the proposal as a result of the compulsory acquisition of the north western portion of the site by Transport for New South Wales (TfNSW) as well as to respond to EES comments on the BDAR for the original development. EES have provided additional comments on the amended EIS and BDAR in their letter 'Subject: EES comments on Amended EIS and Response to Submissions for Elizabeth Drive subdivision – SSD-8859 – 1111-1116 Elizabeth Drive Cecil Park' (dated 9 November 2020). GHD have updated the BDAR for the proposal in response to EES comments (see '2127092-REP-2_BDAR_Elizabeth Drive' the 'updated BDAR'). EES comments, GHD's responses, the associated updates to the BDAR, and cross references to the relevant sections of the updated BAR are summarised in the table included as attachment 1 to this letter.

GHD notes that the revised subdivision plan for the proposal dated 16 April 2021 would not result in additional development impacts but has required updates to the description and mapping of the proposal provided in the updated BDAR.

Please don't hesitate to contact the undersigned or the GHD biodiversity team for the proposal if you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read 'Ben Harrington', written over a horizontal line.

Ben Harrington

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Attachment 1 EES comments, GHD response and relevant report section(s)

Issue raised by EES	GHD response and scope of works	Where addressed
<p><i>Digital shape files</i></p> <p>This review was carried out without digital shape files being provided to EES. As per Table 25 of the BAM, digital shape files for all maps and spatial data need to be provided.</p>	<p>GHD have compiled and submitted digital shape files to EES.</p>	<p>Provided to EES along with the updated BDAR via the Biodiversity Offset Assessment and Management System (BOAMS).</p>
<p><i>Project footprint and assessment of impacts</i></p> <p>The project footprint shown in Figure 5-1 of the BDAR does not consider all structures associated with the proposed on-site detention basin in Lot 12, for example see page 55 of the Amended EIS. As such, in accordance with Table 25 of the BAM, the operational and construction footprints need to be included in the BDAR, and the assessment of all impacts must be carried out in accordance with section 9 of the BAM.</p>	<p>GHD have updated the description and mapping of the proposed development provided in the BDAR to incorporate all relevant design features and structures.</p>	<p>Figure 5-1</p>
<p><i>Mapping native vegetation extent</i></p> <p>An area within the Cumberland Plain Woodland (CPW) has been mapped as "Buildings, infrastructure and dumped fill" (Figure 2-1) and has been identified as not requiring assessment (page 54) or offsets (Figure 6-1). However, recent aerial imagery (Nearmap dated Friday October 2 2020) shows no obvious differences between this area and the surrounding</p>	<p>It is recognised that recent satellite aerial photography appears to indicate continuous native vegetation cover across the northern portion of the subject site. It is noted that according to section 5.1.1.7 of the BAM, an assessor must identify any areas of native vegetation extent that are different to the satellite or ortho-rectified aerial image on the Site map and describe the changes in the extent of native vegetation.</p>	<p>Section 3.1.10 Section 3.2.1</p>

Issue raised by EES	GHD response and scope of works	Where addressed
<p>vegetation and section 5.1.1.3 of the BAM states “The native vegetation extent on the subject land includes all areas of native vegetation including native ground cover and the canopy area of trees.” As such, justification for this mapping needs to be provided in accordance with section 5.1.1.7 of the BAM, and section 10.4.1.1 may also need to be revisited.</p>	<p>The area of ‘Buildings, infrastructure, and dumped fill’ surrounded by native woodland in the northern portion of the site appears similar to native vegetation on the base aerial image shown on the site map because of shadow from trees farther to the north-west. Note the long shadows visible throughout the image. These areas were inspected by field ecologists and do not contain any native groundcover vegetation or over-hanging canopy vegetation. Further, the soil profile has been compacted and covered with fill and refuse and does not have any capacity for regeneration of native vegetation.</p> <p>The BDAR has been updated with additional justification for the mapping of non-native vegetation in accordance with section 5.1.1.7 of the BAM, including photos of the area highlighted in the EES submission.</p>	
<p><i>Targeted surveys</i></p> <p>Figure 2-1 contains the following “Note: habitat assessments, active searches for the Cumberland Plain Land Snail and other ground dwelling fauna, visual inspection of potential roost/nest trees and systematic traverses for threatened plants were conducted across the entire study area”. However, no GPS tracks are mapped for this and no field data sheets are included in an appendix. As such, sections 6.5.1.3 and 6.5.1.5 of the BAM need to be applied.</p>	<p>GPS track logs were not captured because the study area is just 7.37 ha in area and contains ~3 ha of native vegetation and habitat, on a single lot that is flat and with open vegetation. The entire study area could be readily traversed and visually inspected for candidate threatened species within the dedicated survey effort of at least four hours of searching by two ecologists walking parallel transects spaced 10 m apart in March and November 2018. It was not considered</p>	<p>Scanned copies of field data sheets provided as attachments via BOAMS as per the request for shape files.</p> <p>Section 2.2.1</p> <p>Section 2.2.5</p>

Issue raised by EES	GHD response and scope of works	Where addressed
	<p>necessary or informative to overlay lines or polygons indicating comprehensive survey coverage on the survey effort figure.</p> <p>Scanned copies of field data sheets documenting survey techniques and effort have been provided to EES as attachments along with the updated BDAR via BOAMS.</p> <p>Notwithstanding the omission of a spatial representation of all survey techniques and effort, the timing, methods and effort used for a species survey are described in Chapter 2 of the BDAR in accordance with sections 6.5.1.3, 6.5.1.4 and 6.5.1.5 of the BAM.</p>	
<p>As part of the M12 proposal (which has amendments to the original EIS currently on exhibition) one live Cumberland Plain Land Snail (CPLS) was found during targeted surveys in January 2020, approximately 80m from the north eastern boundary of the subject site, in CPW that is contiguous with the CPW occurring in the study area and subject site (see Figure 4-3 of M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report October 2020). As such, step 4 of section 6.4 of the BAM needs to be revisited, bearing in mind:</p> <p>That a targeted survey can confirm if a species credit species is present or is</p>	<p>The BDAR has been updated to include reference to the Cumberland Plain Land Snail record 80 m from the subject site as reported in the M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report (TfNSW 2020).</p> <p>Noting the presence of habitat resources and the 2020 record of a Cumberland Plain Land Snail in a patch of Cumberland Plain Woodland that is contiguous with vegetation at the subject site (TfNSW 2020), a precautionary approach has been taken. The Cumberland Plain Land Snail has been assumed to be present in Cumberland Plain Woodland at the subject site in accordance with section 6.4.1.21(a) of the BAM. Additional assessment of the</p>	<p>Sections 5.4.1, 6.1 and 6.6.</p> <p>Figure 6-3</p> <p>Section 9</p> <p>Appendix E</p>

Issue raised by EES	GHD response and scope of works	Where addressed
likely to use suitable habitat on the subject land and	Cumberland Plain Land Snail and species credit calculations have been included in the BDAR.	
<ul style="list-style-type: none"> for the supplementary biodiversity report for the M12 proposal, EES does not understand why all of the native vegetation on Lot 2 DP 2954 has not been included as part of the CPLS polygon; the vegetation mapped in a higher condition (Moderate/Good – Medium) has been excluded from the polygon, but the vegetation mapped as Moderate/Good – Poor has been included. 	The M12 Motorway Amendment Report and associated reports are not related to the proposal that is the subject of the BDAR (i.e. the proposed Elizabeth Drive subdivision – SSD-8859). GHD will not comment on mapping and assessment conclusions presented in reports prepared by other parties, for other projects.	
<p><i>Species polygon for Southern Myotis</i></p> <p>The polygon for Southern Myotis is incorrect. This is because the dam located near the junction of Cecil Road and Elizabeth Drive (on Lots 1 and 2 DP236527) is within 200m of the subject land but was not used to determine the species polygon; only the water body in the north west of the study area was (see page 56 of the BDAR). Bionet states “Use aerial imagery to map waterbodies with pools/stretches 3m or wider on or within 200m of the subject land. Species polygon boundaries should align with PCTs on the subject land to which the species is associated that are within 200m of waterbodies mapped”. As such, the species polygon for Southern Myotis needs</p>	GHD have updated the description and mapping of the species polygon for Southern Myotis to reflect the presence of the additional waterbody within 200 metres of the subject site. The credit calculations and the BDAR have been updated accordingly.	<p>Figure 6-2</p> <p>Section 6.6</p> <p>Section 9</p> <p>Appendix E</p>

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to be determined in relation to both waterbodies and the credit obligation recalculated.		
<p><i>Avoiding and minimising impacts</i></p> <p>No effort has been demonstrated to avoid and minimise impacts on biodiversity values in the vegetated areas along the north eastern and south eastern boundaries of the subject site... As such, section 8.1 of the BAM needs to be applied.</p>	<p>The proposal includes 11 industrial lots that would result in impacts to 1.15 ha of native vegetation. The current footprint represents a third iteration of the proposal and was devised following ongoing consultation with DPIE regarding the need to avoid impacts on the CEEC Cumberland Plain Woodland (PCT 849), as well as consultation with TfNSW regarding compulsory acquisition of a portion of the lot.</p> <p>The original proposal would have required the removal of 2.35 ha of native vegetation (GHD 2018). This amount was reduced to 2.00 ha in October 2019 following consultation with DPIE on an acceptable quantum of impacts. This amount has been further reduced to 1.15 ha in the current BDAR, taking into account the constraints associated with the proposed land acquisition for the M12 Motorway, while still achieving a viable development. Given the need for viable lot yields from the subject site, placement of building envelopes and infrastructure and the need to mitigate bushfire hazard it was not</p>	Section 5.2

Issue raised by EES	GHD response and scope of works	Where addressed
	possible to fully avoid impacts to native vegetation at the subject site.	
This is important because Figure 1-2 'Construction footprints of the amended project and the project as described in the EIS' in the M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report October 2020 shows the proposed retention of vegetation along these boundaries. As such, section 8.1 of the BAM needs to be applied.	The M12 Motorway Amendment Report and associated reports are not related to the proposal that is the subject of the BDAR (i.e. the proposed Elizabeth Drive subdivision – SSD-8859). Mapping and assessment conclusions presented in reports prepared by other parties, for other projects, do not impose a requirement on the proponent for SSD-8859 to retain this vegetation or otherwise restrict potential land uses at the subject site.	n/a.
<i>Mitigation measures</i> Mitigation measures need to be included for the removal of habitat associated with prescribed impacts.	The description of mitigation measures in the BDAR has been updated to include removal of habitat associated with prescribed impacts (i.e. potential fauna shelter sites associated with buildings, piled timber or refuse).	Table 5-1 in section 5.3
A mitigation measure on page 45 of the BDAR states "The construction contractor is to contact the Project ecologist for advice if any unexpected fauna are found during the construction period (i.e. following clearing of native vegetation when the Project ecologist is no longer on site)." (EES emphasis). The timing stated in the BDAR for this mitigation measure is 'during clearing'. EES recommends the	The timing stated in the BDAR for this mitigation measure has been amended to 'During post-clearing construction'.	Table 5-1 in section 5.3

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<p>timing should be amended to 'post clearing' and not "during clearing" as the mitigation relates to "following clearing of native vegetation" (see page 45).</p>		
<p>The mitigation measure to relocate significant habitat features to adjacent areas of vegetation (see page 44 of the BDAR) should only be done in areas that will not form part of the construction footprint for the M12 i.e. they should be placed areas where the vegetation will be retained for the long term.</p>	<p>An additional requirement has been stated for this mitigation measure as follows: 'Receiver sites for relocated habitat resources should be identified based on consideration of future land uses. Specifically, habitat resources should not be relocated into areas within the construction footprint for the proposed M12 or other proposed development'.</p>	<p>Table 5-1 in section 5.3</p>