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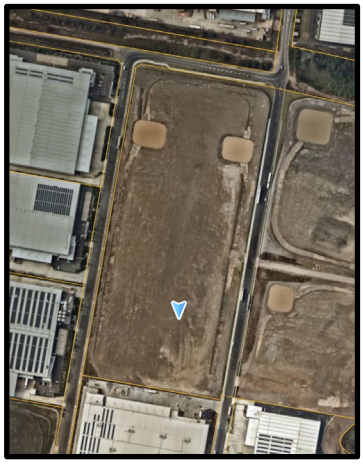
Biodiversity Development Assessment Report

(BDAR)

Waiver Request

3 Johnston Crescent, Horsley Park

(Additional information July 2024)



18th July 2024

EXECUTIVE SUMMARY

Fraser Ecological Consulting has been contracted to prepare a Biodiversity Development Assessment Report (BDAR) Waiver Request for the proposed development located at 3 Johnston Crescent, Horsley Park located in the Fairfield City Council LGA.

This update supplements the previous BDAR waiver report dated 2nd May 2024.

The project area is characterised by existing cleared land with no vegetation. It has historically been absent of vegetation being a former quarry site.

This update specifically addresses requests for further information regarding Habitat Suitability 1.5(2)(b) Biodiversity Conservation Act from the Department of Climate Change, Energy, the Environment and Water on the 30 May 2024.

The major conclusion arising from this assessment is that the proposed development is unlikely to result in a significant impact on any listed species or communities providing that the applicant actively implements the recommendations from this assessment. Therefore, in accordance with the EPA Act (1979) and BC Act (2016), a Biodiversity Assessment Report is not required.

Disclaimer

This document may only be used for the purposes for which it was commissioned.

Fraser Ecological Consulting accepts no liability or responsibility in respect of any use or reliance upon this report by any third party.

Unauthorised use of this report in any form is prohibited.

Licensing

When conducting flora and fauna surveys, consultants are required to possess licences to ensure that works are completed in an appropriate manner. Fraser Ecological Consulting is licensed under s.132c and s.91 of the NSW National Parks and Wildlife Act (1974) from the NSW NPWS. This allows Alex Fraser to undertake scientific investigations, collect specimens of protected flora and fauna across NSW in service and non-service areas and undertake bushland restoration works in EECs. This licence requires that all survey results are reported to the NSW NPWS for inclusion into the Atlas of NSW Wildlife).

Table of Contents

1. Introduction

Fraser Ecological Consulting has been contracted to prepare a BDAR waiver assessment of the proposed works on the terrestrial ecology located at 3 Johnston Crescent, Horsley Park in the Fairfield City Council LGA.

This update supplements the previous BDAR waiver report dated 2nd May 2024.

The project comprises the construction of two warehouse buildings with ancillary offices. The buildings occupy a continuous pad level, with a split hardstand.

As described below in Section 2, the project is in a highly modified, urban environment with very limited habitat and no remnant native vegetation within a former quarry site.

The project area is incorrectly mapped on the NSW Sensitive Biodiversity Values Map.

As such, the applicant requests that the requirement for a Biodiversity Development Assessment Report (BDAR) be formally waived as per section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act) on the basis that the project would:

- Not impact any native plant communities (PCT 3320 to be retained and protected on-site)
- Not result in any threatened species impacts due to a lack of suitable habitat
- Avoid any material impact on microbats as the location(s) where they may occasionally rest would not be directly impacted and associated indirect impacts could be adequately managed
- Mainly impact an existing cleared area that holds no intrinsic ecological value.

2. BDAR Waiver Request Update - Habitat Suitability

Habitat suitability 1.5(2)(b) Biodiversity Conservation Act

The BDAR waiver requirements state that the proposed development shall:

'*address the degree to which the habitat needs of threatened species are present at a particular site*'

Identify any threatened species or ecological communities or their habitat on the development site. Describe how the proposed development avoids impacts on habitat suitability and identify the likelihood and extent of any remaining impacts including the impacts of development on the following habitat of threatened species or ecological communities:

1. *karst, caves, crevices, cliffs and other geological features of significance*
2. *rocks*
3. *human-made structures*
4. *non-native vegetation (prescribed under clause 6.1(1)(a) of the BC Regulation).*

Impacts may include the removal or modification (e.g. noise, light, etc.) of the habitat of threatened species or ecological communities.

Our response is as follows:

The proposed development does not contain any of the following potential habitat features for threatened species or ecological communities:

1. *karst, caves, crevices, cliffs and other geological features of significance*
2. *rocks*
3. *human-made structures*

It is an existing cleared area. It is highly degraded and provides no habitat features. The only threatened species known to occur in the locality that may use the habitat features mentioned above are microchiropteran bats. However, due to the lack of habitat and any foraging resources these species would not use the site even as marginal foraging habitat let alone use the site as an important breeding habitat site.

Regarding impacts to non-native vegetation:

Whilst some small areas of introduced vegetation may have colonised the soil surface following previous disturbance (or whilst development approval is being sought) it is considered that non-native vegetation as prescribed under clause 6.1(1)(a) of the BC Regulation) does not provide any habitat suitability for threatened species or communities on the subject site.

The proposed development will include provide landscaping that will attract insects and insectivores (insect eating species). The proposal will also include lighting. Both these attributes may provide marginal and potential foraging habitat for microchiropteran bats post development.

There are no known local populations of threatened species or communities that would rely upon the modification of a highly degraded soil surface area for their survival in the locality.

3. Conclusion

Overall, there is no indication that the project would have any material or significant biodiversity impact, which is the purpose of progressing with a BDAR waiver.

Accordingly, in accordance with Section 7.9 of the BC Act, it is reasonable that the impacts could be assessed within the wider EIS/ SOE.

Therefore, it is reasonable to request a waiver for the BDAR requirements, as the project is consistent with the provisions of Section 7.9(2) of the BC Act.

APPENDIX B: RELEVANT QUALIFICATIONS & EXPERIENCE OF THE AUTHOR

Alex Fraser (Fraser Ecological Consulting) has over 20 years experience in ecological assessment and on-ground bushland restoration management. Previous work roles include ecological consulting with Parsons Brinckerhoff (large infrastructure), NPWS (biodiversity surveys), NSW Department of Environment and Climate Change (SIS DGRs) and Hornsby Shire Council (residential and light industrial development) have focussed primarily on ecological survey, development assessment, project management and policy development for consent authorities. Alex also has practical experience in landscape construction, bushland restoration and property management. A full list of flora and fauna assessments previously undertaken can be provided upon request.

Professional Affiliations include the Australian Association of Bush Regenerators, Ecological Society of Australia, Royal Zoological Society of NSW, Birds Australia, Australasian Bat Society, Urban Feral Animal Action Control Group (Sydney North Councils), Surfrider Foundation & Fred Hollows Foundation.

Relevant qualifications and training:

- Bachelor of Applied Science – Coastal Resource Management (Honours)
- Certificate 3 Natural Area Restoration (Ryde Horticultural College)
- Chemcert (Department of Natural Resources)
- Chainsaw Cross Cutting Techniques (Ryde Horticultural College)
- Certificate 3 Vertebrate Animal Pest Control (NSW DPI, Orange)
- OH&S General Induction for Construction Work (Work Cover NSW)
- Senior First Aid (St. Johns Ambulance Australia)
- Project Management 'the hard and soft skills' (NPWS- 2004)
- Frog, Bat and Reptile: species identification and survey skills (Forests NSW)
- Certificate 3&4 Japanese language proficiency (The Japan Foundation)
- Advanced Open Water SCUBA diver (PADI Australia)
- State Rail Contractor Safety Awareness (State Rail Authority)
- NPWS Scientific Licence - S10445 (Department of Environment Climate Change and Water)
- Accredited under the Biodiversity Assessment Methodology - BAM (Accreditation No. BAAS18156)

Alexander Fraser

alohafraser@gmail.com | 0423238193 | 665 The Scenic Rd Macmasters Beach, NSW 2251

Key skills

- 12+ years private ecological consulting (Fraser Ecological Consulting)
- 15 + years local government ecological assessment for DAs (Hornsby Shire Council – current employer)
- 10 + years Land & Environment Court expert witness experience
- 2 years state government ecological assessment (NSW OEH)
- High level botanical field identification skills, plot surveys and project management
- Fauna survey and field assistant experience
- Biodiversity Assessment Reporting (BDAR) preparation and Stewardship Site (BSAR) under the NSW BOS Credit Scheme

Qualifications

Bachelor Environmental Science (Honours) Southern Cross University

Certificate 3 Natural Area Restoration

Certificate 3 Vertebrate Animal Pest Control (NSW DPI, Orange)

NPWS Scientific Licence - S10445

Animal Ethics Authority - 11/4299

Accredited under the Biodiversity Assessment Methodology - BAM (Accreditation No. BAAS18156)

Practising member of NSW Ecological Consultants Association (ECA)

Summary

Alex Fraser (Principal Ecologist, Fraser Ecological) has extensive experience in DA related ecological assessment as both an assessor (Hornsby Shire Council) and private consultancy (Fraser Ecological) which actively and currently involve a wide array projects. Fraser Ecological is based locally on the Central Coast, however, project experience extends to South Coast, Blue Mountains, Mid-north Coast and mainly in the Sydney Basin Bioregion.

Previous work roles include ecological consulting for Parsons Brinckerhoff (large infrastructure), NPWS threatened species unit (biodiversity surveys), former NSW Department of Climate Change/ OEH (SIS DGRs and major projects assessment) and Hornsby Shire Council (DA assessment officer) have focussed primarily on ecological survey, development assessment, project management and policy development for consent authorities.

Alex offers high level botanical ID and field survey skills which includes targeted surveys and BAM plot surveys. Fraser Ecological has extensive experience in the preparation of over 15 BDARs under the new BC Act 2016 BOS credit trading scheme. Alex has experience dealing with consent authorities including Council, Crown Lands, Metropolitan Land Council, RFS, Biodiversity Conservation Trust and Department of Planning for major projects including SSDI proposals.

Fraser Ecological has established a wide network of ecological specialists including the Royal Botanic Gardens and Australian Museum as well academic institutions for expert advice when required. Alex is a current member of the North Sydney Regional Land Managers Group that includes staff from Central Coast Council, Northern Beaches, Ku-ring-gai Council, Hornsby Council (HSC), NPWS and Crown Lands) as project manager developing the Natural Area Recreation Strategy for HSC. Current main role at Council is development assessment and review of Flora and Fauna Reports and Biodiversity Assessment Reports.

Fraser Ecological has been engaged by various Councils (Central Coast, Ku-ring-gai, Liverpool City, Blacktown City Council, Hornsby Shire Council and Hawkesbury City Council) to undertake biodiversity assessments for major civil works projects. He is continuously providing biodiversity assessments for private clients for a range od development proposals across coastal and western NSW. We have also undertaken threatened flora and fauna species survey and monitoring for the NSW OEH Save our Species grants.

Key skills:

- Targeted flora and fauna surveys
- BAM plots in accordance with the BAM
- Ecological monitoring & Opportunity and Constraints mapping
- Preparation of BDARs, BAM calculator and credit reporting
- Retirement of credits for approved projects via BCT and brokers
- Establishment of stewardship sites and other offset packages
- Expert witness reporting and attendance in the LAEC
- Compliance investigations and auditing
- Preparation of Vegetation Management Plans
- Preparation of Nestbox Monitoring Plans

CERTIFICATE OF ACCREDITATION AS A BIODIVERSITY ASSESSMENT METHOD ASSESSOR under the *Biodiversity Conservation Act 2016* (NSW)

BAM Assessor		
Alexander Fraser		
Accreditation number	**Accreditation date (Date of issue)**	**Expiry Date of**
BAAS18156	17 October 2021	17 October 2024

The person named above is accredited under section 6.10 of the *Biodiversity Conservation Act 2016* (NSW) (**BC Act**) as a Biodiversity Assessment Method Assessor to apply the Biodiversity Assessment Method in connection with the preparation of biodiversity stewardship site assessment reports, biodiversity development assessment reports and biodiversity certification assessment reports pursuant to Part 6 of the BC Act.

The accreditation is in force until and including the Expiry Date. The accreditation is subject to the conditions set out in the *Accreditation Scheme for the Application of the Biodiversity Assessment Method*, under the BC Act, and the conditions specified on the reverse of this certificate.

LUCIAN MCELWAIN

Manager Ecosytem Programs
Department of Planning, Industry & Environment

NOTES

- DPIE maintains a register of Accredited Biodiversity Assessment Method (BAM) Assessors accessible from the DPIE website.
- The BAM Assessor's accreditation expires on the Expiry Date unless renewed in accordance with the *Accreditation Scheme for the Application of the Biodiversity Assessment Method*. It is the BAM Assessor's responsibility to monitor the Expiry Date of their accreditation, and apply for any renewal with sufficient time for the application to be processed prior to the Expiry Date.
- Words and expressions used in this accreditation instrument and which are also used in the Act have the same meaning.

SUMMARY OF CONDITIONS UNDER SCHEME

The following are conditions of all accreditations granted under the Scheme:

1. an accredited person must prepare Biodiversity Assessment Reports (and conduct surveys and other activities in connection with the preparation of such reports) in accordance with:
   a. the Biodiversity Assessment Method Manual,
   b. the Credit Calculator Operational Manual,
   c. Accredited Person Code of Conduct.
   d. this Scheme,
   e. any guidance materials published by the Department of Planning, Industry and Environment in connection with preparation of Biodiversity Assessment Reports or the application of the BAM
   f. any accreditation requirements notified by the Department of Planning, Industry and Environment to the accredited assessor from time to time.
2. an accredited person must maintain a detailed and up to date working knowledge of, and comply with, all relevant legislation.
3. an accredited person must maintain records of surveys and assessments, including field data sheets and targeted flora and fauna surveys, undertaken and used as part of the preparation of a Biodiversity Assessment Report, for at least ten years after certification of the relevant Biodiversity Assessment Report.
4. all records required kept by an accredited person must be in legible form, or in a form that can be readily be reduced to a legible form.
5. an accredited person must provide to the Department of Planning, Industry and Environment any information related to biodiversity assessment reports required to be provided by all accredited persons, or by a group of accredited persons, by way of a notice specified on a website maintained by it, in the form and within the time frames required in that notice.
6. an accredited person must comply with any scientific licence conditions relating to survey records.
7. an accredited person must possess, or operate under, an appropriate scientific licence as required for the type work, they are completing in the Biodiversity Offsets Scheme.

Note. Information that the Environment Agency Head (EAH) may require to be provided may include information collected during the application of the BAM such as site specific survey data.

Note. In addition to the conditions above, accredited persons must comply with obligations under the BC Act and regulations, including Part 6 Division 3 of the BC Act. Failure to comply with any of the conditions above may result in the EAH exercising the power to vary, suspend or cancel that accreditation under Part 5 of this Scheme.

ECA ECOLOGICAL CONSULTANTS ASSOCIATION of NSW Inc

2023 PRACTISING MEMBER