

17 July 2020

Our ref: 20SYD - 15468

ESR Australia  
Level 29  
20 Bond Street  
Sydney NSW 2000

Attention: Riley Sampson

Dear Riley,

**RE: ESR Horsley Logistics Park SSDA- Biodiversity Development Assessment Report Waiver**

Eco Logical Australia Pty Ltd (ELA) was engaged by ESR to provide a biodiversity assessment of the Lots 201, 202, 203 and 204 DP 1256330, 327 – 335 Burley Road, Horsley Park (the ‘subject site’) (Figure 1) to be assessed as a State Significant Development (SSD) by the Department of Planning, Industry and Environment (DPIE). The SSD application is for the construction and use approval for Lot 201, 202, 203 and 204 (Figure 2). The biodiversity assessment would accompany the Environmental Impact Statement (EIS) and respond to the Secretary’s Environmental Assessment Requirements (SEARs) submitted by DPIE.

**LEGISLATIVE CONTEXT**

In accordance with Clause 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), an application for State Significant Development is:

*“to be accompanied by a Biodiversity Development Assessment Report unless the Planning Agency Head and the Environmental Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”*

The subject site covers an area approximately 20.8 ha at 327 – 335 Burley Road, Horsley Park (i.e. Stage 2 boundary – shown in Figure 1). The subject site does not contain any native vegetation, habitat features including dams or waterbodies, threatened species habitat or threatened ecological communities (Figure 1). The 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 seek from DPIE to waive the preparation of a BDAR. The following information describes the biodiversity values of the site in relation to clause 1.4 of the *Biodiversity Conservation Regulation 2017* (BC Regulation) and 1.5 of the BC Act (Table 1).

## SUBJECT SITE

The SSD application is seeking approval for the construction and use of Lot 201, 202, 203 and 204 on a 20.8 ha parcel of Industrial Zoned land in the Western Sydney Employment Area (WSEA). This will be delivered by CSR to ESR in two stages over the next 3 years (Figure 3). The subject site has operated as a clay quarry for the manufacturing of bricks and pavers by CSR for the last 30 years and undergone substantial change to the soil profile and landscape.

The subject site does not contain any native vegetation or any potential habitat for threatened species (i.e. waterbodies or dams) (Figure 1). Areas of vegetation along the southern and eastern boundary will be retained and are not subject to disturbance due to a large bund wall (along southern boundary) and exclusion zone along the eastern boundary. As such, tests of significance under the NSW BC Act or significant impact criteria under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) have not been applied.

## MANAGEMENT OF DEVELOPMENT LANDS AND E2 INTERFACE

The Department of Planning, Industry and Environment have requested the following to be addressed:

*“An assessment of the development’s impacts on the adjacent E2 zoned land, including detailed interface management measures”*

The EPBC Act approval (2017/7744) and the Land and Environment Court Judgement (issued on 16 October 2015) require a 25 m Managed Ecological Zone to be established, replanted and managed along the western boundary of the Conservation Area (E2 zoned land). This Managed Ecological Zone does not form part of the conservation area and acts as a buffer between development and the Conservation Area. The Managed Ecological Zone is also required to be managed as a Bushfire Asset Protection Zone and development cannot occur within this zone. This is a requirement of the EPBC Approval (EPBC 2017/7744) and the Land and Environment Court Judgement.

The Managed Ecological Zone has been planted with flora species characteristic to Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest. The specific requirements for planting and maintenance are outlined in:

- *Vegetation Management Plan, 327-335 Burley Road Horsley Park* (Travers Bushfire and Ecology 2017)
- *Managed Ecological Zone (MEZ) Planting Plan: 327 – 335 Burley Road, Horsley Park* (Eco Logical Australia Pty Ltd 2019).

The proposed Masterplan approval would retain the 25 m Managed Ecological Zone, with no works proposed in this zone (Figure 2). This zone will continue to be managed by CSR as part of their EPBC Act approval. As part of the previous approvals process completed by CSR, the subject site will be subdivided into four lots, remediated and cleared prior to the commencement of any works by ESR.

## CONCLUSION

The proposed Masterplan is consistent with the previous state and federal approvals issued to the previous owner, CSR (2015 and 2017 respectively). This letter should be submitted in support of the application for a BDAR waiver.

Regards,






**Alex Gorey**  
Ecologist

## Site Map



### Legend

-  Stage 2 Boundary
-  Managed Ecological Zone (MEZ)
-  Travers APZ (25m)

0 45 90 180  
Metres

Datum/Projection:  
GDA 1994 MGA Zone 56



**eco**  
**logical**  
AUSTRALIA  
A TETRA TECH COMPANY

Prepared by: EB Date: 23/03/2020

Figure 1: Stage 2 boundary, subject site

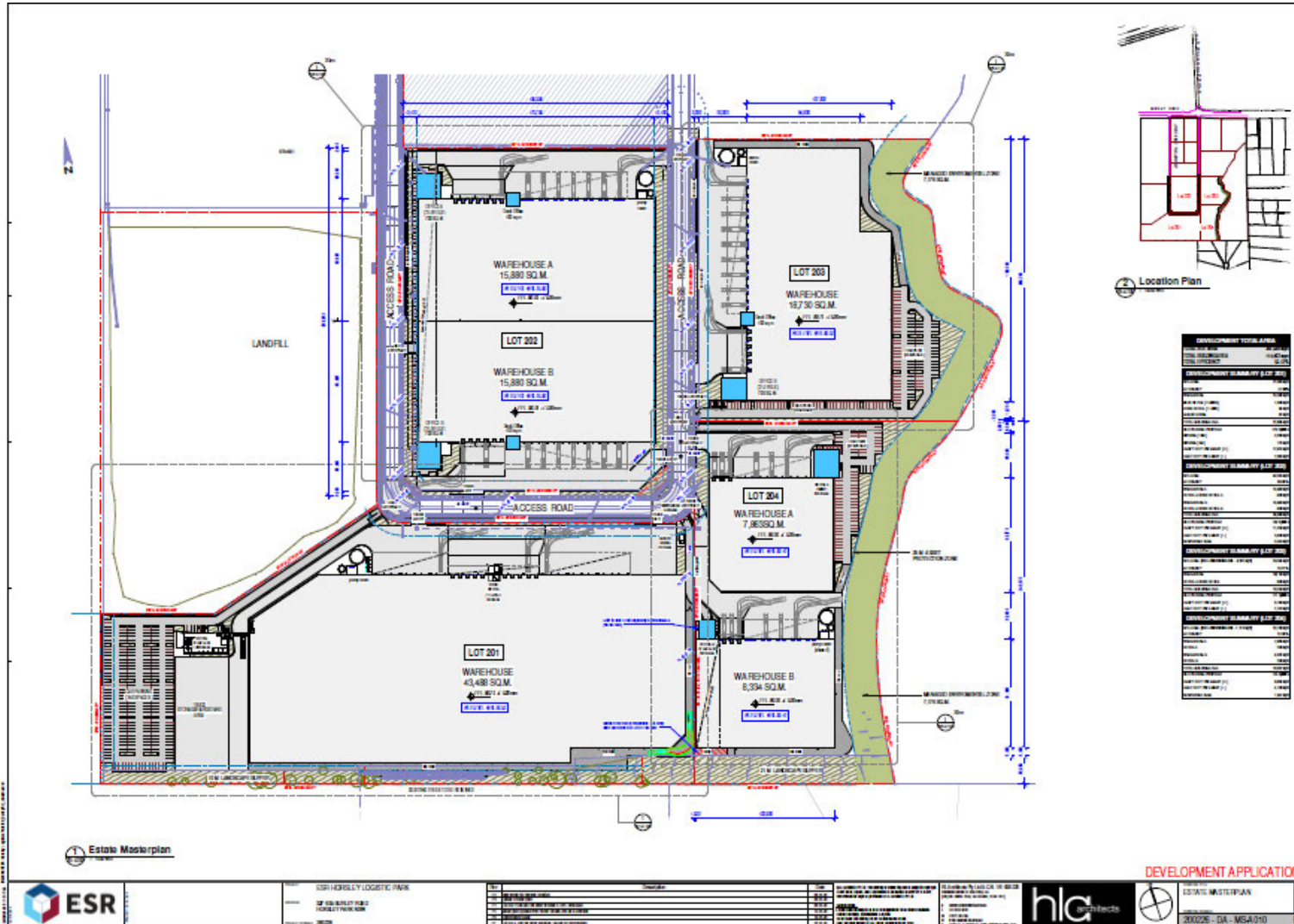


Figure 2: Masterplan approval design provided by ESR

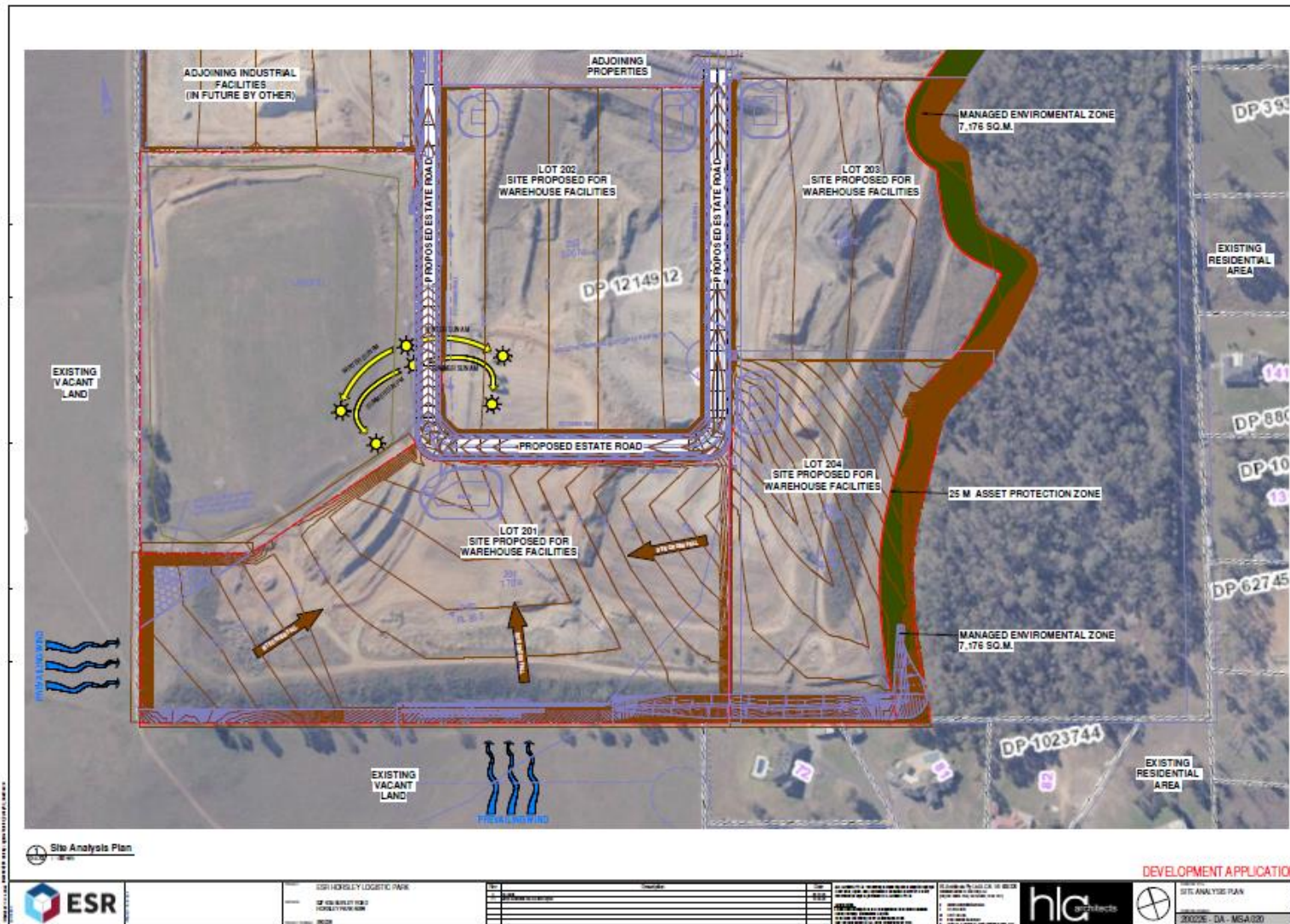


Figure 3: Site Analysis Plan overlay on aerial imagery

**Table 1: Application of criteria to assess biodiversity under the BC Act and BC Regulation**

Biodiversity Value	Meaning	Relevant	Discussion of values within subject site
<b><i>Biodiversity Conservation Regulation (Clause 1.4)</i></b>			
a) Threatened Species Abundance	The occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site.	Yes	No threatened ecological communities are present within the subject site. The southern bund and asset protection zone contain vegetation; however, these areas will not be affected and will be retained.  There is no habitat present in the subject site for any threatened flora or fauna species predicted as likely to occur within a 10 km radius of the subject site.  No roosting habitat is available within the subject site for hollow-dependent threatened fauna species due to the absence of any trees.
b) Vegetation Abundance	The occurrence and abundance of vegetation at a particular site.	N/A	There is no vegetation within the development footprint 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.	N/A	There is no vegetation within the subject site. The subject site would not connect different areas of habitat.
d) Threatened Species Movement	The degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle;	N/A	The subject site does is comprised of cleared land. It does not contain vegetation and does not contribute to connectivity within the landscape. The subject site would not facilitate movement of any threatened species such that their life cycle is maintained.
e) Flight Path Integrity	The degree to which the flight paths of protected animals over a particular site are free from interference.	N/A	The subject site does not contain vegetation, does not contribute to connectivity and is comprised of cleared land. The flight paths of protected animals over the subject site is 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.	N/A	No natural water courses are present within the subject site. In its current state, the subject site does not contain water bodies or contribute to hydrological processes that sustain threatened species or ecological communities within or adjacent to the site.
<b><i>Biodiversity Conservation Act (Clause 1.5 (2))</i></b>			

Biodiversity Value	Meaning	Relevant	Discussion of values within subject site
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.	N/A	Due to previous approval, there is no native vegetation present within the subject site. The 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.	N/A	Suitable habitat for threatened species is highly limited within the site given there is no vegetation or habitat features such as dams, habitat trees or woody debris. There is no potential foraging or breeding / roosting habitat for any threatened fauna species. Given the site has previously been entirely cleared, there is no potential habitat for threatened flora.



