



Emelie Watkinson
Development Manager
Fraser's Property Australia
1C Homebush Bay Dr
Level 2
RHODES NSW 2138

Dear Ms Watkinson

Decision on referral

Eastern Creek Business Hub Stage 3, Eastern Creek, NSW (EPBC 2020/8715)

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision on the referral of the proposed action, to develop a retail factory outlet centre with supporting food and beverage tenancies, with ancillary entertainment and recreation usages on the Eastern Creek Quarter site, Eastern Creek, NSW.

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (section 18 & section 18A).

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance, including but not limited to:

- Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (CPW) – critically endangered.

A copy of the document recording this decision is **enclosed**. Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

The NSW Government has advised the Department that your project will be assessed in accordance under the Bilateral Agreement made under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and the NSW Government.

All levels of assessment include a public consultation phase, in which any third parties can comment on the proposed action. Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

Under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000*, your assessment is subject to cost recovery. Please find attached a copy of the fee schedule for your proposal. Applicable fees will be payable prior to each stage of the assessment proceeding. I advise that Stages 1 and 2 do not apply to this assessment, and you will not be invoiced for those stages. Further details on cost recovery are available at: <http://www.environment.gov.au/epbc/cost-recovery>

If you disagree with the fee schedule provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found at: <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

I have also written to Mr Aries Nagy, designated contact for the New South Wales Minister for Planning and Public Spaces, the Hon Rob Stokes MP, to advise them of this decision.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed action under section 133 of the EPBC Act. If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

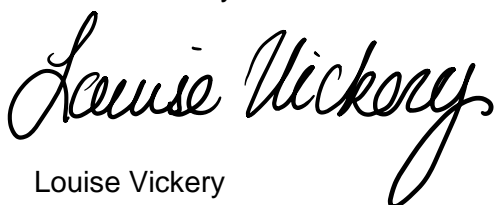
Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested. Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units.

The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or this decision, please contact the project manager, Caitlin Coward, by email to caitlin.coward@awe.gov.au, or telephone 02 6274 2548 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely




Louise Vickery
Assistant Secretary
Environment Assessments (NSW, ACT) Branch
21 August 2020



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action**

Eastern Creek Business Hub Stage 3, Eastern Creek, NSW (EPBC 2020/8715)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	To develop a retail factory outlet centre with supporting food and beverage tenancies, with ancillary entertainment and recreation usages on the Eastern Creek Quarter site, Eastern Creek, NSW [See EPBC Act referral 2020/8715].
decision on proposed action	The proposed action is a controlled action.
relevant controlling provisions	<ul style="list-style-type: none">Listed threatened species and communities (sections 18 & 18A).
designated proponent	Fraser's Property Retail Holdings Pty Limited. ACN 618 676 994
assessment approach	The project will be assessed under the assessment bilateral agreement with NSW.
Decision-maker	
Name and position	Louise Vickery Assistant Secretary Environment Assessments NSW, ACT
Signature	
date of decision	21/08/20