

Erik Innes
Director
Munns Sly Moore Architects
9 Hall Street
LYNEHAM ACT 2602
Via email: Elnnes@munnsslymoore.com.au

Reference: 17SUT-7946

12 June 2018

Dear Erik,

Re: Biocertification letter - St Anthony of Padua Catholic School Austral

Introduction

Sydney Catholic Schools are proposing to develop a primary and secondary school at Lots 1-2 DP1232692 and Lots 810-812 and 839-842 DP2475 (the 'Study Area') at Austral (**Figure 1**). This letter confirms that the study area is within 'biodiversity certified land' (**Figure 1**) and that further assessment under both the *Biodiversity Conservation Act 2016* (BC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are not required for this development.

Biodiversity Certification (BC Act)

The study area is located on 'biodiversity certified land' according to the *Order to confer biodiversity certification on the State Environmental Planning Policy Sydney Region Growth Centres 2006*.

The Growth Centres SEPP has been 'biocertified' by the order of the NSW Minister for the Environment under section 8.7 of the *Biodiversity Conservation Act 2016*. The mechanism for achieving this is outlined in the *Growth Centres Conservation Plan* (ELA 2007) and the conditions for the biocertification are documented in the Minister's order for consent. Development on biodiversity certified land is taken to be development that is not likely to significantly impact any threatened species, populations or ecological communities or their habitat. Therefore biocertification negates the requirement to conduct impact assessments via five part tests under Clause 7.3 of the BC Act and a consent authority is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the NSW *Environmental Planning and Assessment Act* (EP&A Act) or any regulation or instrument made under that Act).

Therefore, no further assessment of impacts to threatened species, populations or ecological communities is required under the BC Act and EPA Act.

Sydney Region Growth Centres SEPP 2006

The *Sydney Region Growth Centres SEPP* Appendix 8: Liverpool Growth Centres Precinct Plan contains controls for the clearing of Native Vegetation Retention (NVR) (Clause 6.2) and Existing Native Vegetation (ENV) (Clause 6.3) as shown on the Native Vegetation Protection Map. The study area does not contain vegetation mapped in either of these categories and therefore has no further restriction of clearing of vegetation (**Figure 1**).

Liverpool Growth Centre Precincts DCP

Section 2.3.5 of the Liverpool Growth Centre Precincts DCP contains additional controls for the retention of native vegetation and protection of ecological values where possible. These controls include consideration of whether the vegetation is part of a larger vegetation remnant or is in a Riparian Protection Area. The vegetation within the study area is mostly native woodland with a cleared or highly disturbed understorey. The canopy trees are generally in poor health, most likely due to psyllid dieback which has impacted many *Eucalyptus moluccana* (Grey Box) in Western Sydney. **Figure 1** demonstrates that the study area is not located within a mapped Riparian Protection Area.

As shown in **Figure 1**, the proposed development will require vegetation removal and bulk earthworks across most of the study area, with limited retention of vegetation. We recommend landscape plantings and revegetation with species native to the Cumberland Plain and species listed in Appendix C (Prescribed Trees and Preferred Species) of the DCP.

Commonwealth Strategic Assessment (EPBC Act)

On 28th February 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres was approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (2010) have been assessed at the strategic level and approved in regards to their impact on the following Matters of National Environmental Significance:

- World Heritage Properties
- National Heritage Places
- Wetlands of International Importance
- Listed threatened species and communities
- Listed migratory species

These decisions indicate that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through the Western Sydney Growth Centres Program will satisfy their requirements for environmental protection under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Provided that development activity proceeds in accordance with the Growth Centres requirements (such as the Biodiversity Certification Order, the Growth Centres SEPP and DCPs, Growth Centres Development Code etc.) then there is no requirement to assess the impact of development activities on Matters of National Environmental Significance within the Growth Centres and no requirement for referral of activities to the Commonwealth Department of Environment.

The study area is therefore exempt from further assessment of threatened species and endangered ecological communities listed under the NSW BC Act or Commonwealth EPBC Act.

Should you have any questions on this matter, please contact me on 8536 8633.

Yours sincerely,



Karen Spicer

Ecologist

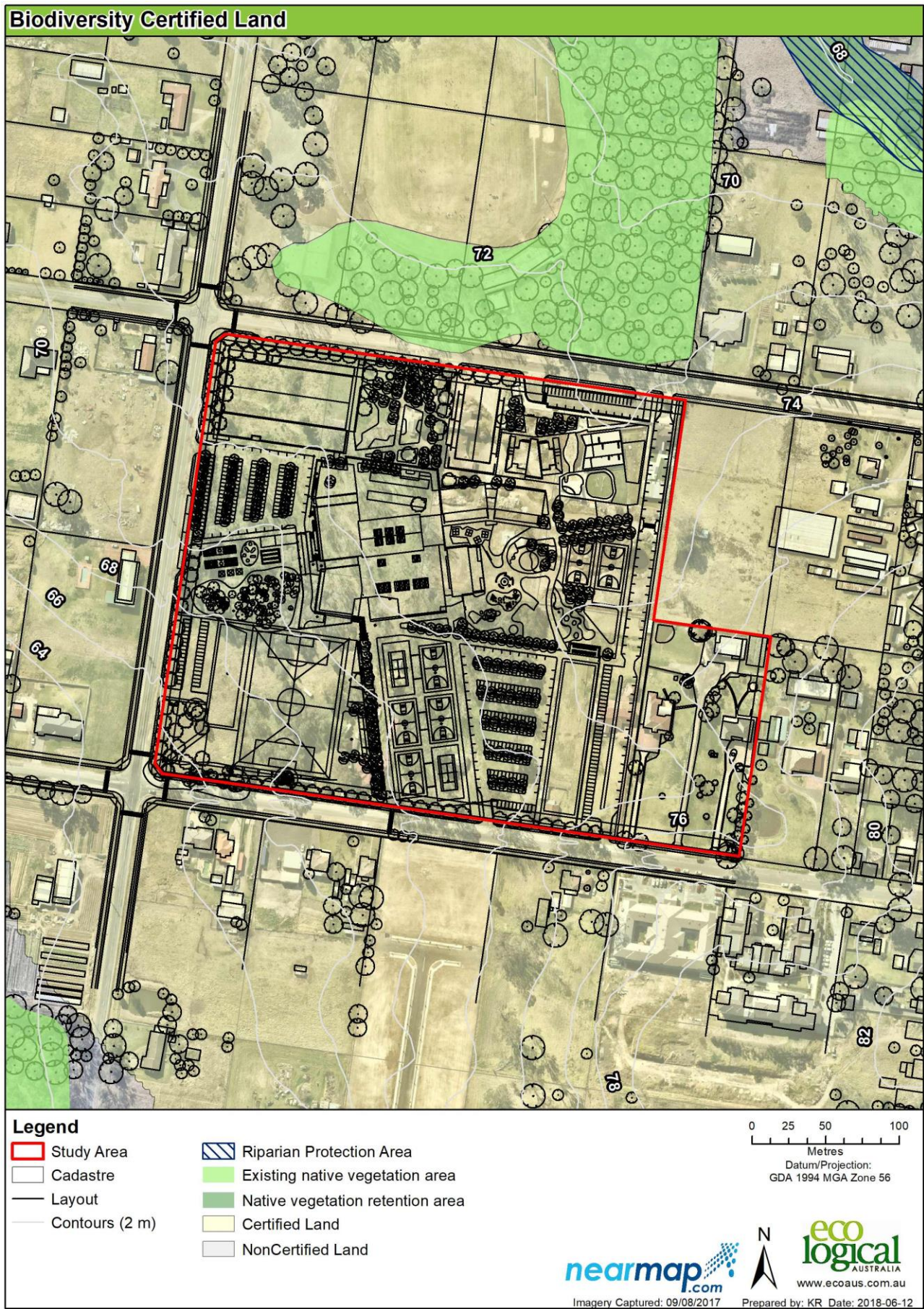


Figure 1: Study area and biodiversity certified land