



**Planning &
Environment**

**Planning Services
Industry Assessments**

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Our Ref: SSD 9667

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Mr Luke Wilson
Western Sydney Parklands Trust
Level 7, 10 Valentine Avenue
PARRAMATTA NSW 2150

Email: Luke.wilson@wspt.nsw.gov.au

Dear Mr Wilson

**Supplementary Assessment Requirements
Light Horse Interchange Business Hub, Eastern Creek (SSD 9667)**

I refer to the Planning Secretary's Environmental Assessment Requirements (SEARs) issued for SSD 9667 on 7 November 2018.

As you are aware, on 1 April 2019, the Commonwealth determined the proposed development will impact on matters of national environmental significance (MNES), protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Accordingly, the proposed development has been declared a controlled action and will require assessment and approval under the EPBC Act before it can proceed. The proposed development will be assessed under Part 4, Division 4.7 of the NSW *Environmental Planning and Assessment Act 1979* which is an accredited process.

The Commonwealth has provided Guidelines for preparing assessment documentation relevant to the EPBC Act for the proposed development, which are attached to this letter. These Guidelines are to be considered a supplement to, and be addressed in conjunction with, the SEARs previously issued, dated 7 November 2018.

If you have any enquiries, please contact William Hodgkinson on the details above.

Yours sincerely

Chris Ritchie
Director
Industry Assessments
as the delegate of the Planning Secretary

Commonwealth Supplementary Assessment Requirements

Guidelines for preparing Assessment Documentation relevant to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Light Horse Interchange Business Hub, Eastern Creek (EPBC 2019/8395)]

1. On 1 April 2019 it was determined that the Light Horse Interchange Business Hub will significantly impact upon the following matters of national environmental significance (MNES) protected under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act):
 - Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest – Critically Endangered; and
 - Grey-headed Flying-fox, *Pteropus poliocephalus* – Vulnerable

The project will be assessed by an Accredited assessment under Part 4, Division 4.7 of the *Environmental Planning and Assessment Act 1979*. These requirements are a supplement to the Secretary's Environmental Assessment Requirements issued on 7 November 2018 and should be addressed in conjunction with those requirements.

2. Assessment documentation prepared for the purposes of approval under the EPBC Act must, in addition to providing sufficient information for a decision, address the matters outlined in Schedule 4 of the Environment Protection and Biodiversity Conservation Regulations 2000 (Cth). The following includes requirements that have been identified as additional to the requirements prescribed in Schedule 2 of the NSW Environmental Planning and Assessment Regulations 2000. Proponents are advised to check that requirements in Schedule 4 of the EPBC Regulations have been appropriately addressed http://www.austlii.edu.au/au/legis/cth/consol_reg/epabcr2000697/.
3. The requirements are intended such that there is sufficient information in the assessment report relevant to MNES such that the Commonwealth decision-maker may make a determination on whether or not to approve the action. The proponent must undertake an assessment of all the protected matters that may be impacted by the development under the controlling provision identified in paragraph 1. A list of protected matters that are considered likely to be significantly impacted is provided at Attachment A to these Guidelines. Note that this may not be a complete list and it is the responsibility of the proponent to ensure any protected matters under this controlling provision, likely to be significantly impacted, are assessed for the Commonwealth decision-maker's consideration.

General Requirements

Project Description

The title of the action, background to the action of the action and current status.

4. The precise location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on MNES.
5. How the action relates to any other actions that have been, or are being taken in the region affected by the action.

6. How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.

Impacts

7. The EIS must include an assessment of the relevant impacts¹ of the action on the matters protected by the controlling provisions, including:
 - a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;
 - a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
 - analysis of the significance of the relevant impacts; and
 - any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

Avoidance, mitigation and offsetting

8. For each of the relevant matters protected that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
 - a description, and an assessment of the expected or predicted effectiveness of the mitigation measures,
 - any statutory policy basis for the mitigation measures;
 - the cost of the mitigation measures;
 - an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing; and
 - the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
9. Where a significant residual adverse impact to a relevant protected matter is considered likely, the EIS must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.
10. For each of the relevant matters likely to be impacted by the action the EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:
 - conservation advice or recovery plan for the species or community;
 - relevant threat abatement plan for a process that threatens the species or community;
 - wildlife conservation plan for the species;
 - management plan for Ramsar wetland;

¹ Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

- management plan for a World Heritage property or National Heritage place;
- Marine Bioregional Plan; and
- any strategic assessment.

[Note: the relevant guidelines and policy statements for each species and community are available from the Department of the Environment Species Profiles and Threats Database <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.p>]

11. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraphs 12 - 14.

Key Issues

Biodiversity (threatened species and communities and migratory species)

12. The EIS must identify each EPBC Act listed threatened species and community and migratory species likely to be impacted by the action. For any species and communities that are likely to be impacted, the proponent must provide a description of the nature, quantum and consequences of the impacts. For species and communities potentially located in the project area or in the vicinity that are not likely to be impacted, provide evidence why they are not likely to be impacted.
13. For each of the EPBC Act listed threatened species and communities and migratory species likely to be impacted by the action the EIS must provide a separate:
 - description of the habitat (including identification and mapping of suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advice, conservation advice and recovery plans;
 - details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Australian Government guidelines and policy statements;
 - description of the relevant impacts of the action having regard to the full national extent of the species or community's range;
 - description of the specific proposed avoidance and mitigation measures to deal with relevant impacts of the action;
 - identification of significant residual adverse impacts likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account;
 - a description of any offsets proposed to address residual adverse significant impacts and how these offsets will be established;
 - details of how the current published NSW Biodiversity Assessment Method (BAM) has been applied in accordance with the objects of the EPBC Act to offset significant residual adverse impacts; and
 - details of the offset package to compensate for significant residual impacts including details of the credit profiles required to offset the action in accordance with the BAM

and/or mapping and descriptions of the extent and condition of the relevant habitat and/or threatened communities occurring on proposed offset sites;

[Note: For the purposes of approval under the EPBC Act, it is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action and deliver an overall conservation outcome that improves or maintains the viability of the MNES i.e. 'like for like'. In applying the BAM, residual impacts on EPBC Act listed threatened ecological communities must be offset with Plant Community Type(s) (PCT) that are ascribed to the specific EPBC listed ecological community. PCTs from a different vegetation class will not generally be acceptable as offsets for EPBC listed communities.]

14. Any significant residual impacts not addressed by the BAM may need to be addressed in accordance with the Environment Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy. <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>.

Key Issues - Commonwealth Land (for actions outside Commonwealth Land that may impact on the environment on Commonwealth Land)

15. Note the whole of the environment must be considered for Commonwealth Land. Refer to the Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies.

Other approvals and conditions

16. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations 2000.

Environmental Record of person proposing to take the action

17. Information in relation to the environmental record of a person proposing to take the action must include details as prescribed in Schedule 4 Clause 6 of the EPBC Regulations 2000.

Information Sources

18. For information given in the EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.

Attachment A

The Department of Environment and Energy's Environment Reporting Tool (ERT) identifies 36 species and 5 communities that may occur within 5 km of the proposed action . Based on the location of the action, likely habitat present in the area of the proposed action and the information in the referral, there are likely to be significant impacts to:

- Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest – Critically Endangered; and
- Grey-headed Flying-fox, *Pteropus poliocephalus* – Vulnerable

An assessment in accordance with clauses 4-18 of these guidelines for all of these matters above must be presented in the EIS.