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Ref: 17WOL – 7544

20 June 2017

Dear James,

**RE: Lots 23 and 24 DP 262886 Hollinsworth Road, Marsden Park – Biodiversity Certification Letter**

This letter describes the assessment requirements for flora and fauna in relation to the above development and the *Threatened Species Conservation Act 1995* (TSC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

**Biodiversity Certification (TSC Act)**

Eco Logical Australia has undertaken a review of the proposed development at Lots 23 and 24 DP 262886 Hollinsworth Road, Marsden Park (the study area) and can confirm that the entire site 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* (**Figure 1**).

Under s126(l) of the *Threatened Species Conservation Act 1995* development on biodiversity certified land is taken to be development that is *not likely to significantly affect any threatened species, population or ecological community or its habitat*. This is because the NSW Government has already provided and protected land to offset the impacts on biodiversity that will be caused by the development of the North West and South West Growth Centres. Furthermore, no additional monetary contribution is required for the development of the site which will include the clearing of vegetation. A consent authority is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the 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 TSC Act.

**Sydney Region Growth Centres SEPP 2006**

The Sydney Region Growth Centres SEPP Appendix 5 Marsden Park Industrial Precincts Plan contains controls for the clearing of Existing Native Vegetation (ENV) and Native Vegetation Retention (NVR) areas as shown on the Native Vegetation Protection Map. The subject site does not contain vegetation mapped in either of these categories and therefore has no further restriction of clearing of vegetation.

**Fisheries Management Act 1994**

The FM Act contains several provisions for the protection of fish habitat and threatened species. The proposed works:

- Will not impact on a waterway mapped as 'Key Fish Habitat' or a waterway that contains a threatened species records.
- Will not harm marine vegetation.
- Will not require, dredging of the bed and land reclamation of a Key Fish Habitat Creek.

Therefore a Part 7 Permit under the FM Act is not required.

### **Commonwealth Strategic Assessment (EPBC Act)**

On 28 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 (Nov 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.

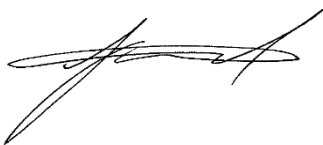
These decisions indicate that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through the Western Sydney Growth Centres Program will satisfy their requirements for environmental protection under the EPBC Act. Provided that development activity proceeds 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 site is therefore exempt from further assessment of threatened species and endangered ecological communities listed under the NSW TSC, FM Act or Commonwealth EPBC Act.

Where habitat for native fauna is to be removed such as hollow-bearing trees or dams, the works should be done in such a manner that minimises the risk of injury or death to native fauna, and under supervision of a licensed ecologist.

Should you have any questions on this matter, please contact me on (02) 4201 2204.

Yours sincerely,



**Jack Talbert**  
**Environmental Consultant**

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**Figure 1: Location of the study area in relation to biodiversity certified lands**