

FW: Biodiversity certification under Part 5 EP&A

Alexander Nikolic <Alexander.Nikolic@wpca.sydney>

Tue 2024-04-23 11:22 AM

To: Christopher Croucamp <ccroucamp@urbis.com.au>; Melissa Rassack <Melissa.Rassack@wpca.sydney>

Cc: Tim Hutchinson <Tim.Hutchinson@wpca.sydney>; Sunjidul Hasan <Sunjidul.Hasan@wpca.sydney>; Jason Azucena <Jason.Azucena@wpca.sydney>

Hi Chris & Mel,

Please see below advice from Biosis regarding the assessment of an REF in relation to the Bio Certification of the site.

Regards,

Alexander Nikolic

Project Manager

Development & Delivery

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City Authority

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Matthew Hyde <mhyde@biosis.com.au>**Sent:** Tuesday, April 23, 2024 9:10 AM**To:** Alexander Nikolic <Alexander.Nikolic@wpca.sydney>**Subject:** Biodiversity certification under Part 5 EP&A

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Morning Alex,

Kaisha looked over her field data yesterday and has prepared a summary email which is being reviewed by a Senior Botanist today so I should have a summary of her field investigation for you later today.

In regard to our discussion late Friday afternoon regarding Biodiversity Certification of land. It has the following effect as far as approvals of land under Part 5 of the EP&A Act are concerned.

(4) **Activities under Part 5 of the Planning Act** An activity to which Part 5 of the *Environmental Planning and Assessment Act 1979* applies which is carried out or proposed to be carried out on biodiversity certified land is taken, for the purposes of Part 5 of that Act, to be an activity that is not likely to significantly affect any threatened species or ecological community under this Act, or its habitat, in relation to that land.

(5) A determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* is not required under that Part to consider the effect on biodiversity of an activity to the extent that it is carried out on biodiversity certified land.

So you can develop an REF for the site and you would not need to undertake a full biodiversity assessment so long as your works are located wholly within the biodiversity certified land. Note however that certification does not switch off the requirements of the *Fisheries Management Act 1994* or the *Water Management Act 2000*.

Cheers,

Matt

Matthew Hyde

Team Leader - Zoology (NSW)

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Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work.

We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

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