

Simon Twiggs
Senior Development Manager
Fraser's Property Australia
Level 3, 1C Homebush Bay Drive
Rhodes NSW 2138

15SUT - 3123

27 May 2016

Dear Simon,

RE: Flora and Fauna Assessment – Lot 212DP1186108, Lot 2 DP1204198 and Lot 1 DP1204198 (Part), Edmondson Park

This letter describes the assessment requirements for flora and fauna in relation to the certified land for the above development.

Biodiversity Certification (TSC Act)

Eco Logical Australia (ELA) has undertaken a review of the proposed development at Lot 212DP1186108, Lot 2 DP1204198 and Lot 1 DP1204198 (Part), Edmondson Park and can confirm that the area of the site captured by the works is located on 'biodiversity certified land' according to Part 7 of Schedule 7 of the *TSC Act* (**Figure 1**).

Under s126(1) 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, populations or ecological communities or its habitat*. 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.

Works within the non-certified land are captured by a Flora and Fauna Assessment prepared by ELA (2016) and are not covered by this letter.

State Significant Precincts

The *State Environmental Planning Policy (State Significant Precincts) 2005* Schedule 3 Part 31 Edmondson Park South Controls contains controls for the clearing of Native Vegetation as shown on the Native Vegetation Protection Map (**Figure 2**). The works captured by this letter do not contain vegetation mapped and therefore no further restriction of clearing vegetation applies.

Works within the area of Native Vegetation to the west of the study area are covered by a Flora and Fauna Assessment prepared by ELA (2016).



Figure 1: Certified land within the subject site

Native Vegetation Area

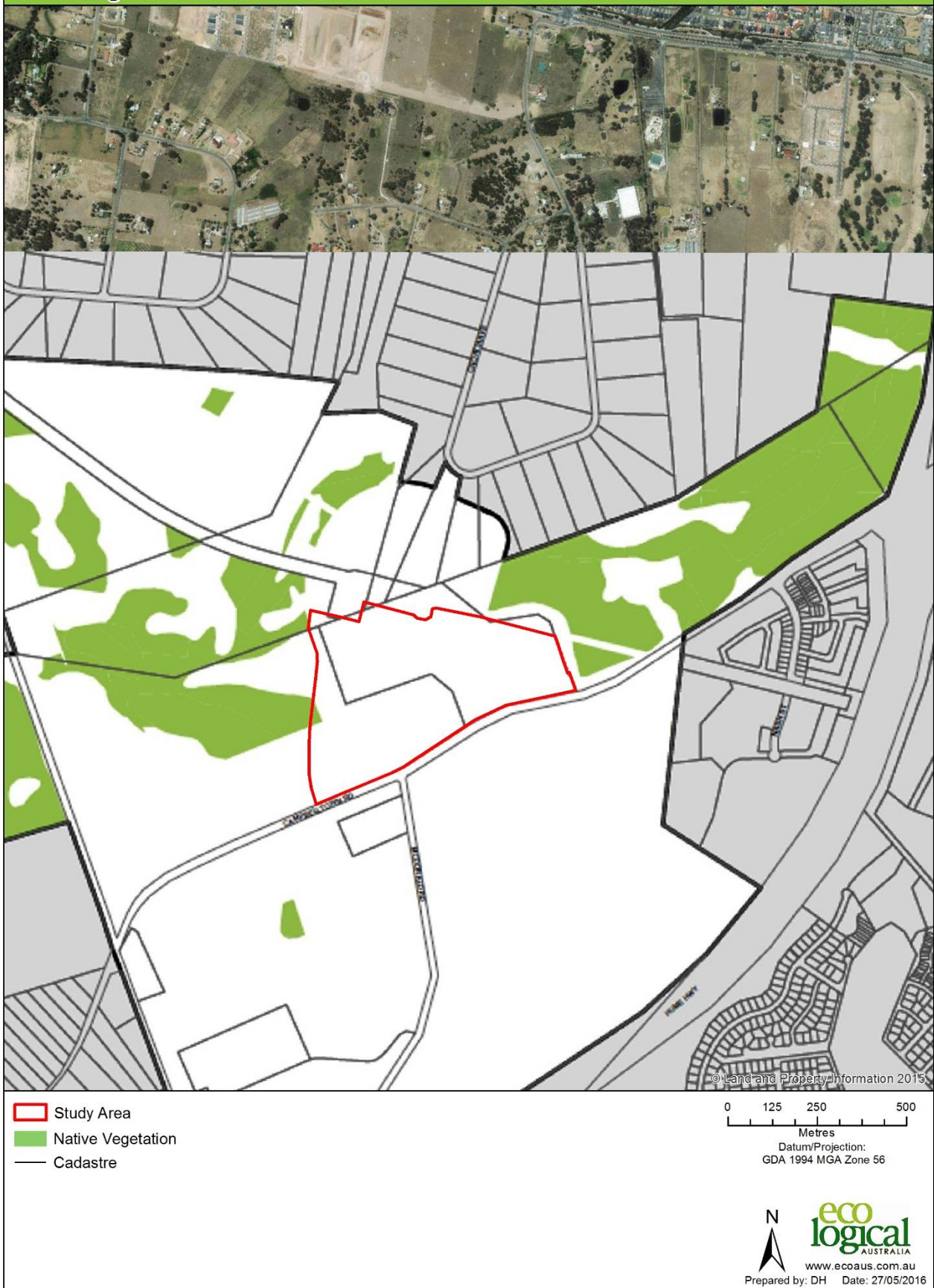


Figure 2: Native Vegetation Area within the subject site

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 *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 site is therefore exempt from further assessment of threatened species and endangered ecological communities listed under the NSW TSC or Commonwealth EPBC Act. Please note that this does not negate the need to consider impacts to all native birds, reptiles, amphibians and mammals protected under the *National Parks and Wildlife Act 1974* or impact to threatened species listed under the *Fisheries Management Act 1994* (FM Act).

Recommendations

Any Hollow Bearing Trees that require removal should be felled using the soft fall technique that will allow animals inhabiting the hollows time to escape. It is recommended a qualified ecologist is onsite during tree felling to capture and relocate any fauna.

Should you have any further questions on this matter, please contact me on (02) 8536 8634.

Yours sincerely,



Rebecca Dwyer

Ecologist

References:

Eco Logical Australia. 2016. Edmondson Park South – Flora and Fauna Assessment. Prepared for Frasers Property Group.