

Decision Statement

Project details	
Project name	Appin Road Upgrade, Mount Gilead to Ambarvale Addendum Review of Environmental Factors
Project location	Mount Gilead to Ambarvale
Activity description	<p>Key features of the modification to the Appin Road Upgrade:</p> <ul style="list-style-type: none"> • Glen Lorne (Corridor A) koala underpass (single reinforced concrete box culvert (RCBC) 2.4 metres (h) x three metres (w) x 53 metres long), perpendicularly aligned to Appin Road at the southern edge of Noorumba Reserve (in the same general location as the AREF) with an elevated timber rail (1.5 metres above floor level) through the underpass and refuge poles at each end. • Interim Browns Bush koala underpass (single RCBC 1.5 metres (h) x 2.4 metres (w) x 27 metres long), with a ledge approximately 400mm wide and raised 300mm above the ground. • Re-aligned koala exclusion fencing designed to better guide koalas to the underpasses and improved 'tie-ins' with existing fencing and proposed noise walls • Installation of 'to-specification' koala grids • Addition of timber refuge poles outside RCBC openings to connect the underpass to nearby habitat • Addition of timber escape poles which aim to enable koalas to escape from the road corridor (for example, should they enter the road corridor from the north through the suburb of Rosemeadow) • The preparation and implementation of a Koala Monitoring and Adaptive Management Plan.

Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies to the proposal. An addendum review of environmental factors (REF) has been prepared and considered against the requirements of sections 5.5 and 5.7 of the EP&A Act. This assessment is considered to be in accordance with the factors required to be considered under section 171 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

In addition, this assessment has considered impacts to threatened species, ecological communities and migratory species listed under *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Act).

Following public display of the addendum REF a submissions report was prepared to address submissions and finalise the environmental safeguards.

Transport for NSW has determined under delegated authority that the activity detailed in the Appin Road Upgrade, Mount Gilead to Ambarvale addendum REF and submissions report **may proceed** for the following reasons:

1. Significance of impact on the environment

The proposal described in the addendum REF and submissions report will have some environmental impacts which can be ameliorated satisfactorily. This assessment has considered that these impacts are unlikely to be significant and therefore an environmental impact statement does not need to be prepared and approval for the proposal does not need to be sought under Division 5.2 of the EP&A Act. Various safeguards and management measures are proposed.

2. Significance of impact on NSW-listed biodiversity matters

The addendum REF and submissions report have considered the potential impacts of the proposal on areas of outstanding biodiversity value and on threatened species, ecological communities or their habitats for both terrestrial and aquatic species as defined by the *Biodiversity Conservation Act 2016* (BC Act) and the *Fisheries Management Act 1994*.

The proposal described in the addendum REF and submissions report will not affect areas of outstanding value or significantly affect other biodiversity values listed under the BC Act. Therefore, the concurrence of the Coordinator-General Environment, Energy and Science Group, DPE and a species impact statement or a Biodiversity Development Assessment Report (BDAR) is not required.

The proposal described in the addendum REF and submissions report will not significantly affect biodiversity values listed under the FM Act.

In addition to the above, the assessment considered the effect of the proposal on:

- Conservation agreements under the *National Parks and Wildlife Act 1974* (NPW Act)
- Plans of management under the NPW Act.
- Biodiversity stewardship sites under the BC Act.
- Wilderness areas under the *Wilderness Act 1987*.

Biodiversity offsets for any impacted biodiversity values have been considered in accordance with Transport for NSW Biodiversity Policy and associated guidelines.

[Identify whether any of the above are relevant to the proposal, the likely effect and any notification or consent requirements that apply to the project].

3. Significance of impact on nationally-listed biodiversity matters

The addendum REF and submissions report have considered the potential impacts of the proposal on threatened species, ecological communities and migratory species as defined in the EPBC Act.

The proposal is not likely to significantly impact nationally-listed threatened species, ecological communities or migratory species.

4. Impacts to Commonwealth land and matters of national environmental significance

The assessment has also addressed the potential impacts of the proposal on [other] matters of national environmental significance and any impacts on the environment of Commonwealth land and concluded that there will be no significant impacts. Therefore, there is no need for a referral to be made to the Australian Department of Climate Change, Energy, the Environment and Water for a decision by the Australian Government Minister for the Environment on whether assessment and approval is required under the EPBC Act.

The addendum REF and submissions report identified a range of environmental outcomes and safeguards that would be required to avoid or reduce the environmental impacts. After consideration of the issues raised in the public submissions, the environmental safeguards for the proposal have been updated as outlined in section 6 of the response to submissions report.

Having regard to the Review of Environmental Factors and the Submissions Report, I determine the activity may proceed:

Authorised person	Director Western Parkland City
Branch	Community and Place
Division	Greater Sydney
Date of determination	16 January 2024