

Decision Statement

Project details	
Project name	Mamre Road Upgrade between the M4 Motorway and Erskine Park Addendum REF
Project location	M4 Motorway and Erskine Park Road, Penrith City Council
Activity description	<p>Key features of the proposed modification include:</p> <ul style="list-style-type: none"> • Basin filling work and refinements to drainage channels • Property work including the relocation of parking areas at Erskine Park Rural Fire Service, adjustment to the driveway at the KFC fast food restaurant, and relocation of an existing earth mound within private property • Removal of additional trees identified by an arborist to have likely root impacts from the road upgrade work • Extension of the shared path between Banks Drive and the M4 Motorway • Relocation of the heritage node near Mamre House • Provision of additional space to enable fence construction • Construction of a turning tee to connect to an existing access track • Relocation of existing signage near the northern extent of the approved proposal area to an existing post • Utilities that may require additional excavation outside of the approved proposal area.

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).

Transport for NSW has determined under delegated authority that the activity detailed in the Mamre Road Upgrade between the M4 Motorway and Erskine Park Addendum REF report **may proceed** for the following reasons:

1. Significance of impact on the environment

The proposal described in the Addendum REF 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 has 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 BC Act and the Fisheries Management Act 1994.

The proposal described in the Addendum REF will affect areas of outstanding value or significantly affect other biodiversity values listed under the BC Act. Therefore, a Biodiversity Development Assessment Report (BDAR) is required.

A BDAR was prepared by Niche for the project REF (Appendix D to the project REF) to assess the potential biodiversity impacts during construction and operation of the project. Due to the minor adjustments proposed to the vegetation

clearance boundary, an Addendum BDAR was prepared by Niche to assess any changes to the potential impacts and biodiversity offset obligation as a result of the proposed modification.

The proposal described in the Addendum REF 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.

3. Significance of impact on nationally-listed biodiversity matters

The Addendum REF has 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 identified a range of environmental outcomes and safeguards that would be required to avoid or reduce the environmental impacts. The environmental safeguards for the proposal have been updated as outlined in section 7.2 of the addendum REF.

Having regard to the Addendum Review of Environmental Factors, I determine the activity may proceed:

Signature	
Name of authorised officer	
Position	Director Western Parkland City
Branch	Community and Place
Division	Greater Sydney
Date of determination	24.04.24