

Our reference: DOC10/48923  
Contact: Liz Peterson 9995 6841

Mr Chris Ritchie  
Major Project Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Ritchie

**Re: Concept Plan s75W Modification Application – Hoxton Park Industrial Estate development**

I refer to an email from Ms Haley Rich dated 18 October 2010 seeking comments from the Department of Environment, Climate Change and Water (DECCW) by 29 October 2010.

DECCW notes that the proposed modification seeks approval for the construction of a second access and bridge crossing to the north east corner of the site, which requires the removal of a small area of Cumberland Plain Woodland and that a Biodiversity Off-set Strategy will be prepared in consultation with the DoP, Liverpool Council and DECCW.

DECCW further notes that part of the vegetation proposed to be removed falls within an offset site established under the rezoning of the former Hoxton Park Aerodrome. The location of the bridge crossing also has the potential to be in conflict with revegetation of the core riparian zone secured through a Voluntary Planning Agreement (VPA) that applies to the former Hoxton Park airport as indicated in Liverpool Councils letter dated 20 September 2010.

The guiding principles for a threatened biodiversity assessment are to avoid, mitigate and/or offset the impacts of proposals on threatened biodiversity as outlined in the *Principles for the Use of Biodiversity Offsets in NSW (DECCW 2008)*. DECCW considers that offset measures should only be considered where impacts cannot be avoided or mitigated.

DECCW recommends the Department of Planning obtain further advice from the Proponent on the assessment of significance of the impact of removing the Cumberland Plain Woodland and on what avoidance and/or mitigation measures have been considered. The advice should particularly address what options have been considered to avoid and/or mitigate impacts to an existing offset area and any area that is subject to revegetation through an existing VPA. DECCW will be able to provide further advice on the proposed modification once this information has been received.

DECCW notes the comment on page 19 of the Environmental Assessment Report that *Mirvac Projects Pty Limited contacted an officer of DECCW to discuss the proposed application. Ms Lou Ewins advised that DECCW would provide formal comment during the formal assessment of the*

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*application and preferred to review details of the proposal following formal lodgement of the application with the Department.*

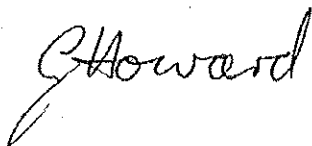
DECCW notes that this proposed modification is to a Concept Plan approval granted for the Hoxton Park Industrial Estate Project on 3 June 2010 which requires details of consultation with DECCW (Condition 8). Prior to receiving the Section 75W Modification Request from DoP, DECCW has no other record of DoP formally referring the Hoxton Park Industrial Estate to DECCW and was therefore not aware of the subject condition until receiving this 75W modification. Please note that DECCW does not support the prescription of a consultation role outside the formal consultation process.

DECCW notes that Statement of Commitment 19 prescribes a consultation role for DECCW in the preparation of a Biodiversity Offset Strategy. DECCW requests that this role be removed. Consistent with inter-departmental discussions at senior levels, please ensure that any proposed conditions or statements of commitment that ascribe a role for DECCW receive written endorsement from the DECCW prior to the grant of any approval.

Please refer all Part 3A referrals to the Environment Protection Regulation Group Mailbox at [EPRGMetropolitanBranchAdminMailbox@environment.nsw.gov.au](mailto:EPRGMetropolitanBranchAdminMailbox@environment.nsw.gov.au) and to the attention of Ms Lou Ewins, Manager, Planning and Aboriginal Heritage Section, at PO Box 668, PARRAMATTA NSW 2124.

If you have any queries regarding this matter please contact Liz Peterson on 9995 6841.

Yours sincerely



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**GISELLE HOWARD**  
**Director Metropolitan**  
**Environment Protection and Regulation**