



King Street (Lot 3 DP 239081) Newtown, NSW

Test of Significance

prepared for

JCDecaux Australia Pty Ltd

King Street (Lot 3 DP 239081) Newtown – Test of Significance

prepared for

JCDecaux Australia Pty Ltd

About this document

This document has been prepared for the benefit of JCDecaux Australia Pty Ltd. No liability is accepted by **écologique** with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application for permission or approval to fulfil a legal requirement.

Copyright Statement©

This document may be reprinted providing the original words are used and acknowledgment is given to **écologique** and the report authors.

Statement of Authorship

The author of the report is Kat Duchatel with over 25 years' experience and the following relevant qualifications:

- + BSc Env (Macquarie)
- + BAM Assessor Accreditation no: BAAS17054
- + EIANZ Certified Environmental Practitioner
- + Ecological Consultants Association of NSW Practising member



Revision Schedule

Rev No	Date	Description	Issued to
0	19/04/2024	Test of Significance for Client review	JCDecaux Australia Pty Ltd

écologique

12 Wanganella Street, Balgowlah NSW 2093

admin@ecologique.com.au

Cordelia Maxwell-Williams
National Development Manager
JCDecaux Australia Pty Ltd
Level 11, 190 George Street
Sydney NSW 2000

Via email: cordelia.maxwell-williams@jcdecaux.com

18 April 2024

Dear Cordelia

King Street (Lot 3 DP 239081) Newtown – Test of Significance

JCDecaux is working on a development application (DA) for the installation of digital advertising signage at the Intersection of Enmore Road and King Street, Newtown (DA 22/7946).

The DA is currently under consideration by the Department of Planning, Housing and Infrastructure (the Department). This report responds to the Department's request for a Test of Significance be produced and included as part of the DA.

The objective of a Test of Significance under Section 7.3 of the *Biodiversity Conservation Act 2016* (BC Act) is to provide standardised and transparent consideration through the development assessment process of whether the proposed development is likely to significantly affect threatened species or ecological communities, or their habitats.

Development is considered likely to significantly affect threatened species if:

- + it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in Section 7.3 of the BC Act, or
- + the development exceeds the Biodiversity Offsets Scheme threshold (BOS threshold), which is the point at which proposed clearing will trigger the provisions of the Biodiversity Offsets Scheme (the Scheme), or
- + it is carried out in a declared area of outstanding biodiversity value.

The following Test of Significance has concluded that the proposed digital sign will not significantly affect any threatened species or ecological communities, or their habitats and does not trigger the provisions of the Scheme.

Yours faithfully



Kat Duchatel
Director écologique

Contents

1. Introduction.....	1
1.1 Background.....	1
1.2 Proposed development.....	1
2. Site assessment	4
2.1 Arboricultural Impact Appraisal	4
2.2 Existing vegetation	4
2.3 Biodiversity values	6
2.3.1 Biodiversity Value mapping	6
2.3.2 State Vegetation Type Mapping	6
2.3.3 Threatened species records	7
3. Impact Assessment	10
3.1 Test of Significance - Section 7.3 of the BC Act.....	10
3.3 Significant impact criteria - EPBC Act.....	11
3.4 Conclusion.....	12

Tables

Table 1. Threatened species records from within 10km of subject site	7
Table 2. Grey-headed flying fox threat categories	11

Figures

Figure 1. Subject site	2
Figure 2. Site plan of proposal (Source: Dennis Blunt Consulting Engineers, 03/08/23).....	3
Figure 3. Tree Protection Plan (Naturally trees, 08/12/2023)	4
Figure 4. Threatened species records within 5km of subject site	9
Figure 5. Potential foraging habitat for GHFF in locality.....	13

1. Introduction

1.1 Background

The proposed digital advertising sign is located to the north-west of the Enmore Road and King Street intersection in Newtown, within the Inner West local government area (LGA).

The advertising sign would be located within the railway corridor in a small fenced area, approximately 30m west of a bus stop on Enmore Road (see Figure 1).

The site and surrounding area is described in the DA's Statement of Environmental Effects (Keylan, amended Jan 2024) as:

- + Subject to high volumes of foot traffic being within the Newtown centre and in proximity to the entrance of Newtown Station
- + Signage is not uncommon in the area and includes a variety of business identification and advertising signage. Notably, there is a business identification sign located approximately 5m west of the site and advertising signage located approximately 30m east of the site on bus shelters.
- + Built form surrounding the site and in proximity to the road corridor is generally 2 to 3 storeys and consists of the following:
 - commercial uses to the south, east and west
 - shop top housing on Enmore Road and King Street
 - residential area approximately 50m north on Bedford Street
 - several heritage items and Heritage Conservation Areas (HCAs)
 - Newtown train station approximately 80m to the south-east

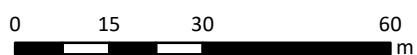
1.2 Proposed development

The proposal has been subject to an iterative design process to mitigate concerns largely relating to its location on the Enmore Road railway bridge, which is a State Heritage Item (SHI). The amended proposed signage involves the installation of a new freestanding digital advertising sign with the following features:

- + East facing panel (i.e., orientated to face westbound traffic travelling along Enmore Road and King Street)
- + Advertising display area of 14.93m² (4.708m x 3.172m)
- + Visual screen size of 14.16m² (4.608m x 3.072m)
- + Visibility and readability of the proposed sign is from a distance of 130m from the westbound approach
- + LED front face illumination with 60 seconds signage exposure and 24hour operation

The rear of the sign will be accessed by placing a new door in the Sydney Trains fence behind the sign with a new steel walkway added between the door and the signs column.

A concrete pile and pile cap are proposed for the footing due to the sloping ground and the above ground cable trays for Sydney Trains located in the area. The pile cap will measure 1m² and will be 1m deep. The concrete pile will be 750mm in diameter and extend below the track level by approximately 5m.



King Street (Lot 3 DP 239081) Newtown

Figure 1. Subject site

Legend

- Subject_site_location

Coordinate system: MGA Zone 56 (GDA 2020)
Image source: Nearmap 15 March 2024



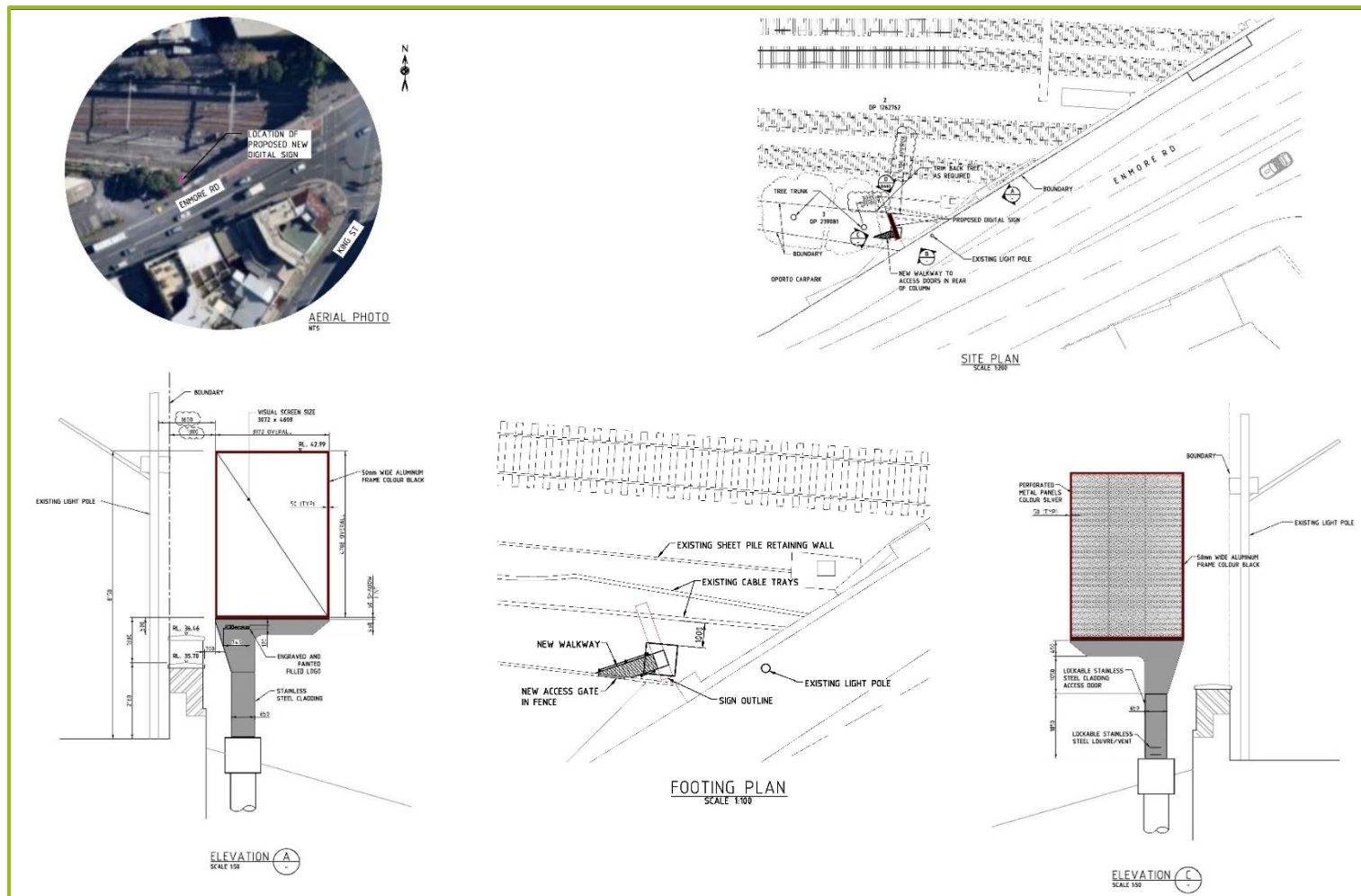


Figure 2. Site plan of proposal (Source: Dennis Blunt Consulting Engineers, 03/08/23)

2. Site assessment

2.1 Arboricultural Impact Appraisal

Naturally Trees Arboricultural Consulting provided an analysis of the impact of the development proposal on trees located adjacent to the proposed signage installation, with additional guidance on appropriate management and protective measures provided in a Tree Management Plan, Dwg No. TMP01.

Three mature *Ficus rubiginosa* Port Jackson fig trees are located adjacent to the proposed signage site, with existing structures, hardstand and footpaths also near them (see Figure 3).

The proposed sign construction will occupy the tree protection zone (TPZ) of trees 1 and 2 by 2% and 1% respectively.

Some light tip pruning will be required to Tree 1 to accommodate the proposed sign and line of sight.

Otherwise the proposal is not expected to impact on these trees providing appropriate protective measures are in place (Naturally Trees, 2023).

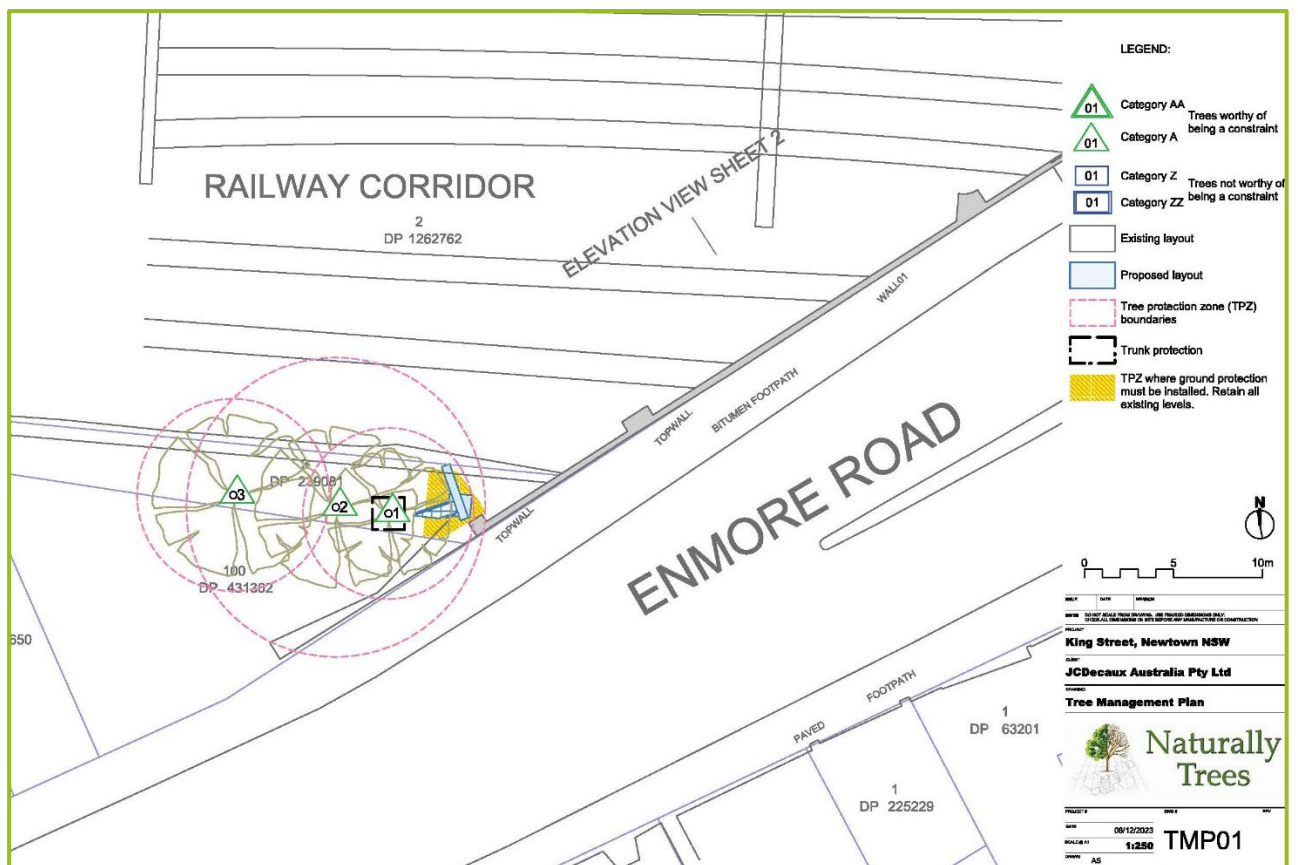


Figure 3. Tree Protection Plan (Naturally trees, 08/12/2023)

2.2 Existing vegetation

As evident in photo plates 1 to 3, native vegetation within the subject site is limited to the Port Jackson fig trees with other vegetation comprising landscaped hedging and exotic grasses and herbaceous weeds.



Photo plate 1: Fig trees located between Oporto car park, Enmore Road, and the railway line



Photo plate 2: view from Bedford Street north of subject site. car park, King Street, and the railway line



Photo plate 3: Subject site viewed from the northeast on Enmore Road

Weed species at this location include: *Ageratina adenophora* (crofton weed), *Asparagus aethiopicus* (ground asparagus), *Bidens pilosa* (cobble's pegs) *Cenchrus setaceus* (fountain grass), *Cenchrus claudineum* (kikuyu), *Chloris virgates* (feathertop Rhodes grass) *Conyza* sp., (fleabane), *Plantago lanceolata* (lamb's tongue) and *Sida rhombifolia* (Paddy's lucerne).

2.3 Biodiversity values

Assessment of biodiversity values has paid reference to the following information sources:

- + Biodiversity Value (BV) mapping (BV162_Web.gdb)
- + State Vegetation Type Mapping (SVTM_NSW_Extant_PCT_vC2_0_M2_0_106, DPE 2023)
- + The NSW Threatened Biodiversity Data Collection (TBDC)

2.3.1 Biodiversity Value mapping

The subject site is located on land identified on the BV map. The nearest areas identified on the BV map is more than 2km to the north of the subject site at Federal Park, Annandale; 3.5km to the south southwest along the Cooks River; 4.75km to the south southeast at the Botany Wetland, and 5km to east at Centennial Park.

2.3.2 State Vegetation Type Mapping

State Vegetation Type Mapping (SVTM) does not identify any native plant communities within or near the subject site. Mapped native vegetation is similarly distanced as, and associated with, the BV mapping as per Section 2.2.1.

1.2.3 Threatened species records

A search of the Threatened Biodiversity Data Collection (TBDC) returned records for 45 threatened species from within a radius of 10km from the subject site, which included one frog, four reptile, 18 bird, 14 mammal, one insect and seven flora species.

Of these species, most would never occur in the urban setting of the subject site as they require an aquatic or timbered environments. Table 1 lists the 45 species recorded and likelihood of ever using the subject site or its surrounding environment.

Table 1. Threatened species records from within 10km of subject site

Scientific name	Common name	Status		Potential to occur
		BC Act	EPBC Act	
Amphibia				
<i>Litoria aurea</i>	Green and Golden Bell Frog	E	V	Nil – aquatic species
Reptilia				
<i>Caretta caretta</i>	Loggerhead Turtle	E	E	Nil – marine species
<i>Chelonia mydas</i>	Green Turtle	V	V	
<i>Dermochelys coriacea</i>	Leatherback Turtle	E	E	
<i>Hoplocephalus bitorquatus</i>	Pale-headed Snake	V		Nil – forest/woodland species
Aves				
<i>Botaurus poiciloptilus</i>	Australasian Bittern	E	E	Nil – wetland species
<i>Stictonetta naevosa</i>	Freckled Duck	V		
<i>Haematopus longirostris</i>	Pied Oystercatcher	E		Nil – shorebird or wetland species
<i>Numenius madagascariensis</i>	Eastern Curlew		CE, Mig	
<i>Xenus cinereus</i>	Terek Sandpiper	V	V, Mig	
<i>Sternula albifrons</i>	Little Tern	E	Mig	
<i>Hirundapus caudacutus</i>	White-throated Needletail	V	V, Mig	Nil – aerial specialist
<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V		Nil – forest/woodland species
<i>Burhinus grallarius</i>	Bush Stone-curlew	E		
<i>Grantiella picta</i>	Painted Honeyeater	V	V	
<i>Lathamus discolor</i>	Swift Parrot	E	CE	
<i>Ninox connivens</i>	Barking Owl	V		
<i>Ninox strenua</i>	Powerful Owl	V		
<i>Petroica boodang</i>	Scarlet Robin	V		
<i>Stagonopleura guttata</i>	Diamond Firetail	V	V	
<i>Ptilinopus regina</i>	Rose-crowned Fruit-Dove	V		Nil – rainforest species
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	V		
<i>Lophoictinia isura</i>	Square-tailed Kite	V		
Mammalia				
<i>Cercartetus nanus</i>	Eastern Pygmy-possum	V		Nil – forest/woodland species
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V	E	
<i>Phascolarctos cinereus</i>	Koala	E	E	
<i>Pseudomys gracilicaudatus</i>	Eastern Chestnut Mouse	V		
<i>Myotis macropus</i>	Southern Myotis	V		Nil – forage over streams and pools

Scientific name	Common name	Status		Potential to occur
		BC Act	EPBC Act	
<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V		Nil – forest/woodland species
<i>Miniopterus australis</i>	Little Bent-winged Bat	V		Nil – forest/woodland species
<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V		Low potential (refer discussion below)
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheathtail-bat	V		
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	Potential (refer discussion below and Appendix A)
<i>Arctocephalus forsteri</i>	New Zealand Fur-seal	V		Nil – marine species
<i>Arctocephalus pusillus doriferus</i>	Australian Fur-seal	V		
<i>Eubalaena australis</i>	Southern Right Whale	E	E	
<i>Perameles nasuta</i>	Long-nosed Bandicoot population in inner western Sydney	E		Unlikely (refer discussion below)
Insecta				
<i>Petalura gigantea</i>	Giant Dragonfly	E		Nil – wetland species
Flora				
<i>Allocasuarina portuensis</i>	Nielsen Park She-oak	E	E	Nil evident in subject site.
<i>Acacia pubescens</i>	Downy Wattle	V	V	
<i>Acacia terminalis</i> subsp. <i>Eastern Sydney</i>	Sunshine wattle	E	E	
<i>Hygrocybe austropratensis</i>		E		
<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	V	V	
<i>Syzygium paniculatum</i>	Magenta Lilly Pilly	E	V	
<i>Macadamia integrifolia</i>	Macadamia Nut		V	

Of the species listed in Table 1, the Long-nosed Bandicoot population and two microbat species (Yellow-bellied Sheathtail-bat and Large Bent-winged Bat) are considered further below. The Grey-headed Flying-fox has been assessed in Section 3 due to the fig trees providing potential foraging habitat.

- + Long-nosed Bandicoots in inner western Sydney are located around the Dulwich Hill area (see Figure 4), shelter mostly under older houses and buildings, and forage in parkland and back-yards. Although railway easements can provide movement corridors for ground dwelling fauna, in this instance the subject site does not provide habitat for the species and would be particularly difficult to access given its elevation above the railway line and sheet pile retaining walls.
- + The Large Bent-winged Bat and Yellow-bellied Sheathtail-bat have been recorded proximal to the subject site (shown as microbats on Figure 4). The Large Bent-winged Bat is a cave dwelling species known to hunt in forested areas, catching moths and other flying insects above the tree tops. The Yellow-bellied Sheathtail-bat forages in most habitats across its very wide range, with and without trees, roosting in tree hollows and buildings. The subject site is not considered to provide habitat of any importance to either species.

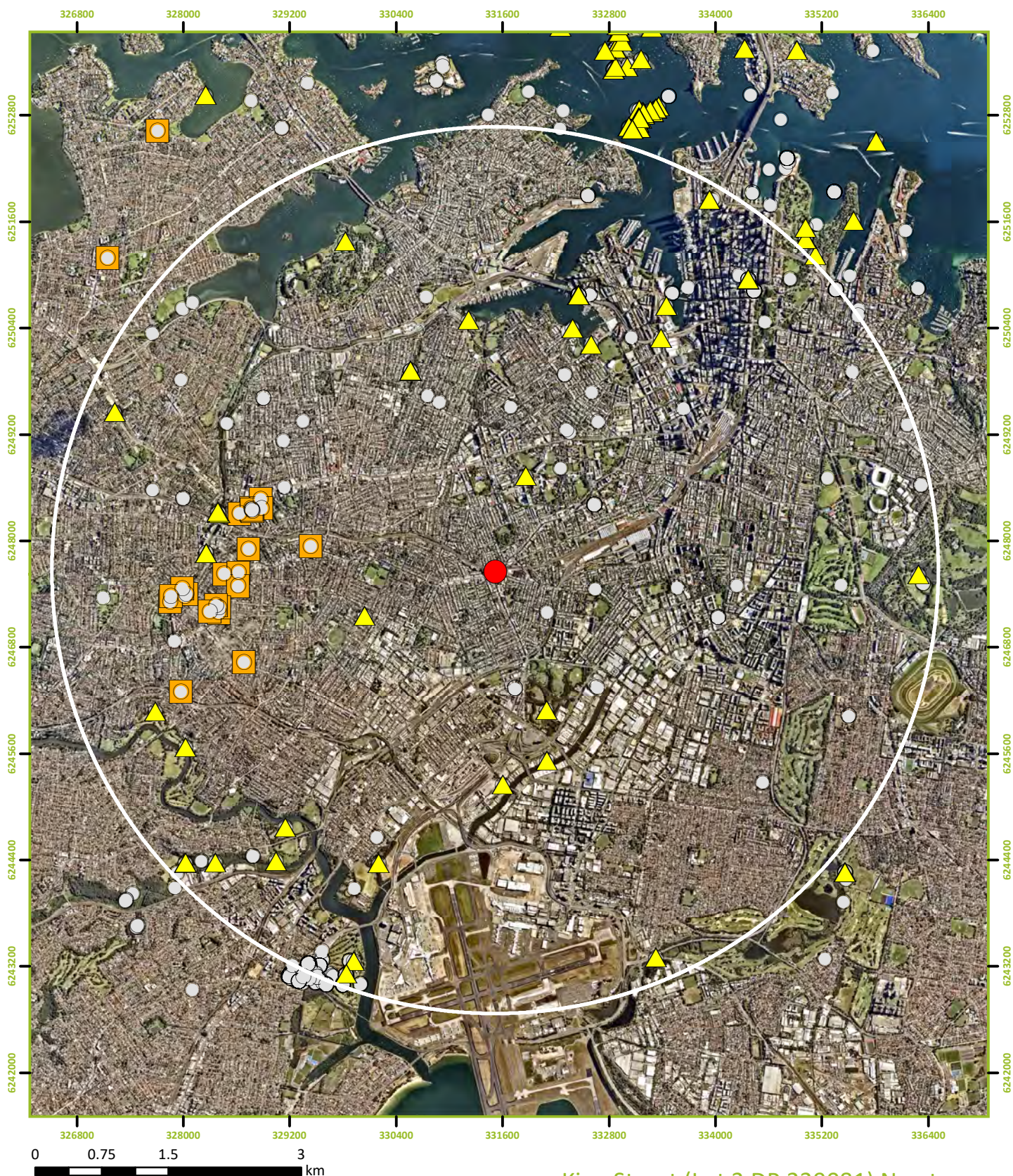


Figure 4. Threatened species records within 5km

Legend

- Subject_site_location
- Grey_headed_flying_fox
- ▲ Microbats
- Perameles nasuta

3. Impact Assessment

3.1 Test of Significance - Section 7.3 of the BC Act

Under Section 7.3 of the BC Act, the following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction:

The three fig trees within the subject site may provide foraging habitat for the grey-headed flying fox (GHFF) when fruiting.

The subject site fig trees will not be impacted by the proposal, although the illumination may be a deterrence to the GHFF if approaching this resource from the east.

This potential resource is considered to be sub-optimal with larger and higher quality fig trees and potential foraging habitat present within the vicinity of the subject site, which include the following:

- + Camperdown Memorial Rest Park, approximately 230m to the north
- + Newtown Sydney Water Pressure Tunnel lot, approximately 70m to the west
- + Newtown Public School and adjacent Lillian Fowler Reserve, approximately 240 to the east-southeast

The subject site and the above locations are shown on Figure 5.

Given the highly urbanised environment, including existing noise and light pollution, surrounding the subject site, the likelihood of the proposal resulting in an adverse effect on the life cycle of the GHFF, is considered extremely low.

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—

- i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
- ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

NOT APPLICABLE

(c) in relation to the habitat of a threatened species or ecological community—

- i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
- ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
- iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality

The proposal will not remove any habitat for the GHFF and indirect impacts (e.g., light pollution) would only affect a small area of potential habitat (i.e., approximately 180m² or 0.018 ha), which not considered of any importance to the GHFF.

The proposal will not result in the fragmentation or isolation of habitat for the GHFF. The potential habitat resource within the subject site is already highly modified, fragmented and isolated.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly)

NOT APPLICABLE – no areas of outstanding biodiversity value occur proximal to the subject site or within range of visibility to the proposed digital sign installation.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Threat categories listed for the GHFF in the TBDC area summarised in Table 2. The proposal does not represent and would not increase any of these threats on the GHFF.

Table 2. Grey-headed flying fox threat categories

Threat Category 1	Threat Category 2	Threat
Habitat loss	Loss of key habitat	Loss of roosting and foraging sites.
Disturbance	Disturbance due to infrastructure	Electrocution on powerlines, entanglement in netting and on barbed wire.
Climate change	Microclimate modification	Heat stress.
Disturbance	Disturbance from recreational users	Conflict with humans.
Lack of knowledge	Insufficient understanding of distribution and/or abundance	Incomplete knowledge of abundance and distribution across the species' range
Direct take/mortality	Illegal hunting/trapping	Illegal shooting

3.3 Significant impact criteria - EPBC Act

The GHFF is listed as vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act (EPBC Act). Consideration of the Matters of National Environmental Significance (MNES) Significant Impact Guidelines 1.1 (2013) is provided below:

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

+ lead to a long-term decrease in the size of an important population of a species

There are numerous GHFF camps in the Sydney Metropolitan region with the nearest camp located at Centennial Park (487) approximately 4.7km from the subject site. The proposal does not involve any activities that would affect the Centennial Park or any other populations in the region.

+ reduce the area of occupancy of an important population

As above the proposal will not impact on any populations of the GHFF.

+ fragment an existing important population into two or more populations

The proposal will not fragment an existing important population into two or more populations.

+ adversely affect habitat critical to the survival of a species

The proposal will not remove any habitat for the GHFF and indirect impacts (e.g., light pollution) would only affect a small area of potential habitat (i.e., approximately 180m² or 0.018 ha), which not considered of any importance to the GHFF.

Note : Although primarily nocturnal, flying-foxes eyesight extend to bright light conditions as demonstrated by their agile flight and intense social contact at the daytime camp. They are known to camp in artificial light-drenched areas suggesting they are unlikely to be impacted from some level of artificial light, though formal research is yet to confirm light impacts on Australian frugivores and nectarivores (Ecosure Pty Ltd, 2021).

+ disrupt the breeding cycle of an important population

The proposal will not disrupt the breeding cycle of an important population.

+ modify, destroy, remove, or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

The proposal will not impact on any habitat for the GHFF such that the species is likely to decline.

+ result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat

The proposal will not result in the introduction of an invasive species that would be harmful to the GHFF and its habitat.

+ introduce disease that may cause the species to decline, or

The proposal will not result in the introduction of disease that may result in the GHFF to decline.

+ interfere substantially with the recovery of the species

The proposal does not involve any activities that would interfere with the recovery of the GHFF.

3.4 Conclusion

Based on the information provided in the above in the report, the risk of the proposal resulting in a significant impact on the GHFF or any threatened species known to occur within a 10km radius of the subject site is considered to be highly unlikely.

The Test of Significance and Significance of Impacts assessments for the GHFF under the BC Act and EPBC Act (respectively) provide sufficient justification that this species will not be adversely affected by the



King Street (Lot 3 DP 239081) Newtown

Figure 5. Potential foraging habitat for GHFF in locality

Legend

- Subject_site_location
- Potential_foraging_habitat

Coordinate system: MGA Zone 56 (GDA 2020)
Image source: Nearmap 15 March 2024



écologique | environmental consulting