

Mr Matthew Freeburn
Freeburn Surveying
Suite 2, 1st Floor "Surveyor House"
2 Castlereagh St
PENRITH NSW 2750

3rd February 2022

Dear Matthew

Re: Flora & Fauna Assessment for 40 - 46 Evan St, Penrith

Please find herewith additional information to address points 14 to 19 of the letter from Penrith City Council, dated 23rd December 2021, concerning the above.

Biodiversity Offset Scheme

Biodiversity Values Map

No part of the property is shaded on the NSW Government's Biodiversity Values Map (BVM). Therefore, the Biodiversity Offset Scheme (BOS) is not triggered by the BVM. The biodiversity values mapping is shown below in Figure 1.

Area of Clearing Threshold

Under the Penrith LEP 2010 the minimum lot size for the property is 400m². Therefore, under Clause 7.2 of the *Biodiversity Conservation Regulation 2017*, the area of clearing threshold for triggering the BOS is 2,500m².

A site assessment undertaken by Martin James of SIAEEP on the 2nd February 2022 determined that across most of the property the groundcover is either not vegetation or not native vegetation. Relatively small areas of groundcover could be regarded as native vegetation. In these areas the groundcover is dominated by the native species Basket Grass (*Oplismenus aemulus*), Kidney Weed (*Dichondra repens*), *Hydrocotyle acutiloba*, Weeping Grass (*Microlaena stipoides*), *Carex inversa*, Couch (*Cynodon dactylon*), Scurvy Weed (*Commelina cyanea*) or a combination of these. These areas occur within or beside the lawn of the introduced Durban Grass (*Dactyloctenium australe**) that runs through the middle of the property. Typically Durban Grass is still present throughout the areas of native groundcover but in places the native species dominate. Elsewhere on the property the groundcover vegetation comprises planted ornamental introduced species, weeds or lawns of introduced grasses such as Buffalo Grass (*Bouteloua dactyloides**) and Narrow-leaved Carpet Grass (*Axonopus fissifolius**). The area of native groundcover vegetation on the property covers approximately 869 m². The area of native groundcover is shown in Figure 2.

The Site Tree Plan (Urban Link, 2021) identifies the trees proposed for removal and those proposed for retention. Based on the Site Tree Plan and using the Tree Survey Report (About Trees, 2021a), that identifies the species of all trees on the property, the native trees proposed for removal are shown in Figure 3.

Examining aerial imagery reveals that the native tree crowns do not exactly coincide with the plan drawings. Taking this into consideration and adding the areas of native groundcover vegetation results in Figure 4 that shows the total area of native vegetation that would be removed as a result of the proposal. This area comes to approximately 1,954 m². As this is below the area of clearing threshold, the proposal would not trigger the BOS. Figure 4 below shows the area of native vegetation that would be removed as a result of the proposal.



Figure 1: Biodiversity Values Mapping with property marked in red.



Figure 2: Areas of native groundcover vegetation on the property.



Figure 3: Native trees proposed for removal.



Figure 4: Total area of native vegetation proposed for removal.

Significant Impact on Threatened Entities

The Flora and Fauna Assessment (About Trees, 2021b) demonstrates there would be no significant impact to threatened flora or fauna. The Test of Significance (5-part test) for Cumberland Plain Woodland provided below provides further information to that contained in the Flora and Fauna Assessment (About Trees, 2021a) demonstrating there would be no significant impact to threatened ecological communities. As there would be no significant impact to threatened entities the proposal would not trigger the BOS.

Macadamia integrifolia

This species that occurs on the property is listed as Vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1991* (EPBC Act). The species occurs naturally in north-eastern NSW. It does not occur naturally in the Sydney region and was planted on the property. It is, therefore, not considered to be part of the EPBC Act listed natural populations of this species.

Cumberland Plain Woodland

Three trees of Grey Box (*Eucalyptus moluccana*) and one tree of *Melaleuca decora* that are characteristic tree species of Cumberland Plain Woodland occur on the property. Additionally, and as discussed above, there are small patches of native groundcover vegetation, some of which is also characteristic of Cumberland Plain Woodland. The total area of vegetation that could be regarded as Cumberland Plain Woodland on the property covers approximately 1,500m². Cumberland Plain Woodland is listed under both the NSW *Biodiversity Conservation Act 2016* (BC Act) and the EPBC Act as a Critically Endangered Ecological Community. However, the patch on the property does not meet the minimum patch size of 0.5ha and therefore does not meet the description of the community under the EPBC Act. No further assessment is required under the EPBC Act. To satisfy the requirements of the BC Act a Test of Significance (5-part test) must be undertaken to determine whether the proposal would have a significant impact on Cumberland Plain Woodland. The 5-part test is provided below.

Test of Significance (5-part test) for Cumberland Plain Woodland

(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,

N/A.

(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*

The proposal would clear a small area (approx. 0.15 ha) of the Cumberland Plain Woodland. There are relatively large areas of the community in similar or better condition throughout the local area. This includes large areas protected within the Mulgoa Nature Reserve and Wianamatta Regional Park located within approximately 5km of the site. The extent of the community impacted is small and in poor condition. The proposal would not place at risk of extinction the local occurrence of this ecological community.

- (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,*

The proposal would remove only a small area of the community on the property. The area to be removed is highly disturbed, has low species diversity, poor structure and a high proportion of introduced species. There are relatively vast areas in good condition throughout the local area as discussed above. The proposal would not place at risk of extinction the local occurrence of the community.

(c) in relation to the habitat of a threatened species, population 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*

Approximately 0.15 ha of poor quality Cumberland Plain Woodland would be removed.

- (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*

The proposal would not result in areas of habitat becoming fragmented or isolated.

- (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 small, poor quality area of habitat to be removed has low importance for the long-term survival of the community in the locality.

- (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),*

The proposal would not affect any declared areas of outstanding biodiversity value.

- (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.*

The proposal involves 'clearing of native vegetation' that is identified as a key threatening process.

Conclusion

Based on the above assessment it is concluded that the proposed development would not have a significant impact on Cumberland Plain Woodland.

Please contact me if you have any questions or wish to discuss any aspects of this report.

Yours sincerely



Martin James
BSc (Hons) Geographical Ecology
Director/ BAM Accredited Assessor
SIA Ecological & Environmental Planning Pty Ltd

References:

- About Trees, 2019.** *Draft Preliminary Tree Survey & Report at 40-46 Evan St & 96-98 Lethbridge St Penrith.* About Trees Urban Tree & Bushland Management.
About Trees, 2021. *Flora & Fauna Assessment and 5-part Test of Significance at 40-46 Evan St & 96-98 Lethbridge St Penrith.* About Trees Urban Tree & Bushland Management.
Urban Link, 2021. *Site Tree Plan.* Drawing DA-005 Revision B, dated 21/09/2021.