

Mr Matthew Freeburn
Freeburn Surveying
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4th April 2022

Dear Matthew

Re: Revised 5-part test for 40 - 46 Evan St, Penrith

Please find below a revised 5-part test for Cumberland Plain Woodland (CPW) for the proposed development at 40-46 Evan St Penrith. The revision follows a site assessment of the local occurrence of CPW.

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 project site contains six established trees of CPW that form a CPW canopy over part of the site. A survey of the local area was undertaken whereby all CPW trees within properties viewed from the street were identified and their location mapped on aerial imagery. Based on the aerial imagery the canopies of the CPW trees were then mapped. The survey revealed there are substantial areas of CPW canopy similar to that which occurs on the project site within approximately 100m of the project site. These areas of CPW tree canopy within approximately 100m of the project site are taken to represent the local occurrence of the ecological community. It should be noted that there are also similar areas of disturbed and fragmented CPW groundcover vegetation scattered within 100m of the site in gardens, often beneath CPW trees, but not always so. The areas of CPW canopy within 100m of the site are illustrated in Figure 4 below. Based on Figure 4 the local occurrence of the ecological community covers approximately 4,755m². Figure 5 illustrates the CPW canopy cover over the same area post development. From Figure 5 the local occurrence of the ecological community post development would cover approximately 4,060m². Based on these figures there would be a 14.6% reduction in CPW canopy as a result of the proposal. This relatively small reduction in CPW canopy cover is unlikely to place the local occurrence of CPW at risk of extinction. This is particularly the case as the local occurrence of CPW is connected to (i.e. less than 100m from) adjoining areas of CPW beyond the 100m zone.



Figure 4: Existing CPW canopy within 100m of the project site.



Figure 5: Post-development CPW canopy within 100m of the project site.

- (i) *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 two established trees of Grey Box (*Eucalyptus moluccana*), one young White Cedar (*Melia azedarach*) and one young White Feather Honey-myrtle (*Melaleuca decora*). It would retain one established Grey Box and one established Mugga Ironbark (*E. sideroxylon*) and areas of common native groundcover species described above that are characteristic of CPW including, for example, Basket Grass (*Oplismenus aemulus*), Kidney Weed (*Dichondra repens*), Weeping Grass (*Microlaena stipoides*), etc. The local occurrence of CPW includes numerous established trees of Grey Box, Forest Red Gum (*E. tereticornis*), Mugga Ironbark and substantial areas of the common CPW groundcover species that occur at the project site. It is likely to include trees of White Cedar, including saplings, that were not observed from the street since this species regenerates prolifically from bird droppings and does not attain the height of the Eucalypts so is less likely to be seen from the street.

It would appear, based on the somewhat crude assessment of the local occurrence of CPW from observations of properties from the street (that may have missed some CPW trees, especially small-trees), that the proposal would removal a young White Feather Honey-myrtle that does not exist elsewhere in the local occurrence of CPW. This change in species composition of the local occurrence would not represent a substantial modification of the composition of the ecological community such that the local occurrence would be placed at risk of extinction. Importantly, White Feather Honey-myrtle is a common native species and there are abundant trees of this species CPW remnants scattered throughout western Sydney. In addition to the above, this species and the White Cedar would be replanted on site as part of proposed landscaping for the development.

(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*

The proposal would remove approximately 695m² of CPW tree canopy, representing approximately 14.6% of the tree canopy of the local occurrence of CPW that covers approximately 4,755m².

- (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 local occurrence of CPW comprises scattered clumps of trees and isolated trees of CPW species. These are scattered in a broad corridor running approximately east-west through the site (refer to Figures 4 and 5). The proposal would remove four trees from within this corridor, two established Eucalyptus trees and two young, small trees of non-Eucalyptus species. Importantly, two established Eucalypts would be retained on the site, thus retaining the continuity of CPW canopy across the site and maintaining the connectivity of the CPW corridor through the local area. It should be noted also, that other native trees that are not part of CPW would be retained on the site. These trees add to the CPW corridor in the form of native tree canopy that would contribute to maintaining the linkage of ecological functions across the landscape that benefit CPW. For example, the movement of native birds and other native fauna between CPW remnants.

- (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 two established Grey Box, the young White Cedar, the young White Feather Honey-myrtle, and the small areas of common native groundcover plants are not essential for the long-term survival of the local occurrence of the ecological community. This is because numerous established CPW trees and areas of CPW groundcover vegetation that are part of the local occurrence occur outside of the project site and would not be impacted. The removal of some of the CPW plants on the project site would not place at risk of extinction the local occurrence of CPW.

(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),

Four declared 'Areas of Outstanding Biodiversity Value' exist in New South Wales. These are:

- Critical habitat for the Gould's Petrel at Cabbage Tree Island, and to a lesser extent, Boondelbah Island, off the coast of Port Stephens.
- Little Penguin population in Sydney's north harbour.
- Mitchell's Rainforest Snail in Stotts Island Nature Reserve, on the NSW north coast.
- Wollemi Pine in the Wollemi National Park, north-west of Sydney.

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 the 'clearing of native vegetation' that is identified as a key threatening process. However, areas of native vegetation would be retained on site, maintaining habitat connectivity through the site, and retaining the existing vegetation corridor that runs approximately east-west through the site. Furthermore, native species characteristic of CPW would be replanted on the site as part of the proposed landscaping thereby offsetting adverse impacts associated with the clearing of native vegetation.

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 the above.

Yours sincerely



Martin James

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Director/ BAM Accredited Assessor

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