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Application of the BC Act for Development of Lot 3989 DP 1190132 Jordan Springs

Dear Peter

The purpose of this letter is to provide a summary of the ecological values in relation to Lot 3989 DP 1190132 (the 'subject site') (see **Figure 1**) and consider the requirements for assessment under the *Biodiversity Conservation Act 2016*.

It is understood that FDC Construction are planning to submit a Development Application (DA) on behalf of Laundry Hotels, for the development of a neighbourhood pub on the subject site.

The subject site is located within the newly created suburb of Jordan Springs (formerly referred to as the 'Western Precinct'), which is part of the St Marys Development Site (SMDS). The subject site was assessed in detail as part of the Species Impact Statement (SIS) prepared in accordance with the former *Threatened Species Conservation Act 1995* (repealed) (TSC Act) for the Jordan Springs Retirement Village (Cumberland Ecology, 2018) (our reference 17230 Rp1).

As shown in **Figure 1**, the subject site is generally devoid of vegetation, having been previously cleared for the enabling works in relation to development works for the Jordan Springs, and has been used for temporary drainage and sediment detention on a number of occasions (as part of DA15/0163).

The vegetation present on the subject site was mapped by Cumberland Ecology in 2018 as 'Low Diversity Derived Native Grassland', and a small area of 'Regenerating Cumberland Plain Woodland' (that was present in the south western corner of the subject site, but has since been removed) Both vegetation communities are components of Cumberland Plain Woodland critically endangered ecological community, as listed under the BC Act (see **Figure 2**). However, the mapping conducted by Cumberland Ecology was broadscale, and refined from original mapping done in 2011 across the entire Western Precinct, and due to difficulty in mapping varied conditions of grassland, all was assumed

to be a low condition form of the CEEC, as a precaution. In the case of the subject site, the high degree of disturbance would have removed the native seedbank, and a dominance of exotic grass, herb and shrub species remain in the areas of grassland. The mapped area of Regenerating CPW in the south western corner of the subject site has been removed since the mapping in 2018, as shown in **Figure 2**.

The clearing of the subject site is already approved in accordance with DA15/0163 (granted by Penrith City Council on 21/01/2016), which included Lot 3391 and 3989 DP 1190132 for the following:

- Stage 1 Construction of 4 x Residential Flat Buildings (138 Residential Apartments);
- 1 x Mixed Use Building (Ground Floor Commercial Floor Space and 63 Residential Apartments);
- Basement Car Parking;
- Road Construction;
- Drainage Works;
- Public Open Space Provision;
- Landscape Works; and
- Earthworks and Tree Removal.

As the approval is still valid for DA15/0163, having been enacting for early works, including drainage, earthworks and tree removal (but not the construction of all buildings listed in the approval), no further assessment under the former TSC Act or the *Biodiversity Conservation Act 2016* (BC Act) is required for the proposed development of the subject site.

Therefore, although a small portion of the subject site has been mapped on the Biodiversity Values Map (see **Figure 3**), the clearing of this mapped vegetation does not trigger entry to Biodiversity Offsets Scheme (BOS), or preparation of a Biodiversity Development Assessment Report (BDAR) under the BC Act. Other triggers for entry to the BOS are not relevant to the subject site, due to the existing consent, which allows complete clearance of vegetation. Furthermore, the vegetation that is mapped on the Biodiversity Values Map is predominantly exotic, and the boundaries are inaccurate (as this also includes tracks and the large concrete channel to the south of the subject site).

Please find the figures at the end of the letter.

Yours sincerely



Vanessa Orsborn
Senior Project Manager/Ecologist



FIGURES





- Legend**
- Subject Site
 - Western Precinct
 - Regional Park

Image Source:
Image © NearMap 2020
Dated: 5/8/2020

Data Source:
NSW Government Spatial Services
SIX Maps 'Clip and Ship'
Penrith LGA

Coordinate System: MGA Zone 56 (GDA 94)



Figure 1. Location of the subject site



Legend

- Subject Site
 - Western Precinct
- Vegetation Communities (CE, 2018)**
- Cumberland Plain Woodland (CEEC)
 - Regenerating Cumberland Plain Woodland (CEEC)
 - Derived Native Grassland (CEEC)
 - Low Diversity Derived Native Grassland (CEEC)
- Vegetation Communities (Modified DECCW, 2008)**
- Cumberland Plain Woodland (>10% canopy cover)
 - Cumberland Plain Woodland

Image Source:
Image © Nearmap 2020
Dated: 5/8/2020

Data Source:
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Figure 2. Vegetation of the subject site



Legend

- Subject Site
- Western Precinct
- Biodiversity Values Map

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Figure 3. Biodiversity Values Map