



Andy Nixey
Team Leader – Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

18 March 2025

Subject: Advice on EIS – Crescent Parklands – SSD-70283710

Dear Andy,

Thank you for your referral received 5 February 2025 requesting advice on the Environmental Impact Statement (EIS) for this State Significant Development (SSD-70283710).

Please note, on 20 January 2025, the former Biodiversity Conservation and Science (BCS) Group became the Conservation Programs, Heritage and Regulation (CPHR) Group.

CPHR has reviewed the EIS prepared by Urbis (dated 24 January 2025) and accompanying technical reports and provides its comments and recommendations at Attachment A.

Should you have any queries regarding this matter, please contact Theo Wilkinson, Senior Conservation Planning Officer via theo.wilkinson@environment.nsw.gov.au.

Yours sincerely,

Louisa Clark
Director, Greater Sydney
Regional Delivery – Greater Sydney Branch
Conservation Programs, Heritage and Regulation Group

CPHR advice on the EIS for Crescent Parklands – SSD-70283710

In preparing this advice, CPHR has reviewed the following documents:

- EIS – Urbis – 24 January 2025
- Architectural Plans – Woods Bagot – 20 November 2025
- Landscape Plans – Arcadia (no date)
- Streamlined Biodiversity Development Assessment Report (BDAR) – Narla – 13 December 2025
- Arboricultural Impact Assessment – Eco Logical – 17 December 2024
- Flood Risk Assessment (FIRA) – BG&E – November 2024.

Flood risk management

CPHR considers that the FIRA is adequate and that no further updates are required. CPHR notes that the site is not flood prone in the 1% Annual Exceedance Probability (AEP) event and in the Probable Maximum Flood Event (PMF) minor areas of the site are considered low risk.

Biodiversity

Key Assessment Issues

1.	BDAR and BAM-C access	<p>CPHR has undertaken its review without access to the case in the Biodiversity Assessment Method Calculator (BAM-C) or access to digital files that form part of the BDAR.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Once the BDAR is updated (as per the additional information requested), the consultant should add 'Greater Sydney – Compliance & Regulation' as a case party in the Biodiversity Offset and Agreement Management System (BOAMS) and upload all required digital files (refer to Appendix L – Table 27 in BAM (2020) for what is required).
	<i>Extent and Timing</i>	Pre-determination
2.	Vegetation Integrity / survey plot location	<p>The reported vegetation integrity (VI) score for Cumberland Plain Woodland (CPW) is 14.3. This is very close to the 15 VI score threshold, where biodiversity credit offsets are required for TECs.</p> <p>CPHR notes that a tree cover of 30%, and the litter cover percentage in some of the 1 x 1 m plots reported in Appendix B of the BDAR appear to be low. This means they may not accurately represent the condition of the plant community type (PCT) which is made up of predominantly trees.</p> <p>It is further noted that the largest tree size class recorded within the plot (Appendix B) is 30-49 cm. This is inconsistent with the Arboricultural Impact Assessment (AIA), which reports Tree #125 to have a diameter of 64 cm (using a diameter tape).</p> <p>CPHR requests justification is provided in the BDAR for the aptness of the plot location and data, particularly the 20 x 20 m floristic plot location. Aerial imagery shows a significant gap in the canopy (Figure 8 of the BDAR) where this plot is located.</p>

		<p>Recommended action:</p> <ul style="list-style-type: none"> • Update the BDAR to provide justification for the validity of the vegetation plot location. This is to be in line with the BAM Operational Manual – Stage 1 (DPE, 2022) subsection 3.31 and 3.4 which states: <ul style="list-style-type: none"> ○ ‘Separate vegetation zones are required for: parts of the subject land where the vegetation has a current VI score of: <15 for a PCT representative of a critically endangered ecological community (CEEC) or an endangered ecological community (EEC).’ ○ ‘Where there are PCTs with vegetation zones that are too small to fit in a survey plot (e.g. some sandstone riparian communities in the Sydney Basin) the assessor should modify traditional sampling methods to fit the site.’ ○ ‘If a standard plot does not fit into a vegetation zone, a longer and narrower (e.g. 10 m x 100 m = 0.1 ha) or wider and shorter (e.g. 25 m x 40 m = 0.1 ha) plot may be used. If the vegetation zone is smaller than the standard plot size dimensions allow, the assessor may adjust the plot dimensions to fit as best as possible, providing it is representative of the vegetation zone.’ • Consider using a vegetation plot of an irregular shape to better survey the vegetation zone and undertake another plot survey to inform the updated BDAR.
	<i>Extent and Timing</i>	Pre-determination
3.	Flora and fauna surveys	<p>Section 4.3 of the BDAR states, ‘Targeted surveys were undertaken for any SAIL species credit species considered likely to have suitable habitat within the Subject Land (Figure 11). These surveys were implemented in accordance with Section 5.3 of the BAM and all relevant DCCEEW threatened species survey guidelines’.</p> <p>However, no details of the survey methods are outlined in the BDAR. Table 13 and Table 14 of the BDAR state that no targeted surveys were undertaken for any of the candidate fauna or flora species.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • The BDAR should be updated to include details of surveys undertaken in Section 4, including the ‘relevant DCCEEW threatened species survey guidelines’ used.
	<i>Extent and Timing</i>	Pre-determination
4.	Avoid and minimise	<p>The BDAR has not addressed how impacts are reasonably avoided or minimised on trees descriptive of the CEEC CPW, which is a SAIL entity.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • CPHR recommend that the proposed development is refined to enable CEEC trees to be viably retained in line with the requirements to genuinely avoid and minimise impacts as per clause 6.2 and 6.12 of the <i>Biodiversity Conservation Act 2016</i> and section 7 of the BAM. • The development should be refined in consultation with an appropriately experienced AQF Level 5 arborist, as detailed in the AIA comments at Item 5. The AIA should be updated to

		<p>retain medium and high retention value trees and trees descriptive of CPW.</p> <ul style="list-style-type: none"> • Following refinement of the development, the BDAR should be updated and outline (in Section 6) how impacts were genuinely avoided/minimised for the CEEC.
	<i>Extent and Timing</i>	Pre-determination
5.	Arboricultural Impact Assessment	<p>Based on a review of the AIA, CPHR have identified the following issues:</p> <ul style="list-style-type: none"> • The AIA states that the entire site is 'impacted' (Figure 12 and Figure 14), and that due to this, no trees can be retained on site. CPHR does not support this justification. • CPHR notes that most trees are located along the site boundary, in locations where landscaping/open space is proposed. There is opportunity for impacts to tree protection zones (TPZ) to be appropriately avoided / minimised. For example, impacts could be appropriately avoided / minimised by measures including but not limited to: <ul style="list-style-type: none"> ○ retaining trees by adjusting plans to limit/reduce grade level changes ○ specifying suitable fill material for example coarse-textured soils, for shallow fill areas ○ relocating structures away from TPZs, employing hand excavation ○ carefully removing existing hardstand under the supervision of an arborist ○ and/or implementing tree-sensitive construction methods. • The threshold specified in the AIA (page 14-15 of a >20% TPZ encroachment automatically resulting in a tree not being viable for tree retention is not supported. Such a strict threshold is not in line with the Australian Standard (AS 4970-2009) and industry practice. • Section 3.2 of the AIA specifies that two trees are subject to 'medium' impact to their TPZs, without specifying the type of impact. The AIA further states that mitigation measures are to be implemented to retain these trees however no tree specific mitigation measures are provided in the report. • The AIA states that 'confirmation on the viability for retention must be confirmed by the project arborist prior to construction.' This approach is not supported by CPHR. The viable retention of trees should be demonstrated now, not after development consent is obtained. The viable retention of trees must be demonstrated in line with section 3.3.4 of AS 4970-2009 which may require root mapping. • Section 3.5 of the AIA specifies that four neighbouring trees will be impacted and require removal. CPHR flags that approval for the project should not be provided unless these trees can be viably retained (with an updated AIA to demonstrate this), or if this is not feasible, written confirmation should be provided by the tree owner(s) that they consent to the tree removal.

		<p>Recommended action:</p> <ul style="list-style-type: none"> • CPHR recommends that the proposal is refined in consultation with a suitably qualified AQF Level 5 arborist to design, avoid and minimise impacts within the TPZs of trees that have a medium and high retention value and trees descriptive of CPW to viably retain as many trees as possible. Once this is undertaken, the plans should be updated accordingly for example landscape plan, architectural plans and bulk earthwork plan. An updated AIA and tree protection plan (TPP) is to be provided. • The updated AIA should: <ul style="list-style-type: none"> ○ List all documentation referenced during the assessment process. ○ Contain a schedule documenting: botanical and common name, age class, dimensions inclusive of, height, canopy spread, trunk diameter at breast height (DBH), calculated TPZ, calculated Structural Root Zone (SRZ), calculated development incursion into the TPZ (if any), health, structure and condition of the trees. ○ Review the tree retention values provided in the current AIA of trees with a diameter (DBH) of 50 cm or greater to ensure the appropriate retention value is assigned in line with Appendix A of the AIA. ○ Assess the proposed development in its entirety. This includes, but is not limited to, proposed stormwater infrastructure, retaining walls, grade changes, excavation and removal of hardstand. ○ Identify the specific type of impact within each TPZ of trees identified to have a medium or high tree retention value and trees descriptive of CPW. ○ Ensure impacts to TPZs are avoided/minimised to support the viable retention of trees wherever possible. ○ Demonstrate that retained trees can be retained viably in accordance with the Australian Standard 4970 – 2009. ○ Include specific mitigation measures to be implemented throughout the demolition and construction phase for each tree to be retained. These specifications must be tree and site specific, not generic. • The updated TPP should: <ul style="list-style-type: none"> ○ Be at a scale of 1:100 or 1:200 and show the location of all trees that have a TPZ extending into the development impact area. ○ Show all proposed development works, including the location of above and below ground structures and services. ○ Identify the tree protection area for each tree and clearly identify the percentage of development encroachment into the TPZ and canopy. ○ Include survey details and show the existing ground levels at the base of each tree, the DBH of each tree and the corresponding tree number. ○ Plot all tree locations with survey accuracy (by registered surveyor).
	<i>Extent and Timing</i>	Pre-determination

End of Submission