

Mike Williams
Landcom
PO Box 237
Parramatta NSW 2124

Ref/Job No: 12SUTPLA-0009

19 October 2012

Dear Mike,

RE: Response to OEH regards to proposed filling and regrading works on OS2 and C3 lands as part of Stage 2A of the North Penrith Mixed Use Development

This letter has been written in response to the letter received by Landcom from the NSW Office of Environment and Heritage (OEH) on 14 September 2012 which provides comment on Stage 2A of the North Penrith Mixed Use Development (SSD 5243). Specifically, OEH is concerned that the fill and regrading to be undertaken in the OS2 and C3 lands will have impacts on the Cumberland Plain Woodland (CPW) being retained. CPW is listed as a Critically Endangered Ecological Community under both the NSW *Threatened Species Conservation Act 1995* (TSC Act) and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), though the vegetation on site does not meet the EPBC Act condition requirements. A shallow swale that runs north-south through the C3 lands and then around the base of the hill in the OS2 lands is proposed to be filled to prevent water accumulation during rain events.

The site was assessed by Eco Logical Australia Pty Ltd (ELA) ecologist Andrew Whitford with support from Bugrahan Guner (Landcom) on 8 October 2012. During this time the length of the swale was inspected and flora species recorded that were found in and adjacent to the swale. Specifically inspected were the areas proposed for Section 88b covenant within the C3 lands, and the areas to be retained and managed as bushland within the OS2 lands.

During site inspection it was found that the swale only enters the Section 88b covenant area within the C3 lands at one point (**Figure 1**). At this point the swale is approximately 20cm wide at the bottom, 60cm wide at the top and approximately 40cm deep. This area appears to retain an original soil profile adjacent to the swale. The vegetation in the swale itself is characterised by a largely exotic understorey comprised of *Chloris gayana* (Rhodes Grass), *Sida rhombifolia* (Paddy's Lucerne) and *Cirsium vulgare* (Spear Thistle) with some regrowth of *Corymbia maculata* (Spotted Gum) and *Eucalyptus tereticornis* (Forest Redgum). The eucalypt regrowth was approximately 3m high with a diameter at breast height (DBH) of 5cm.

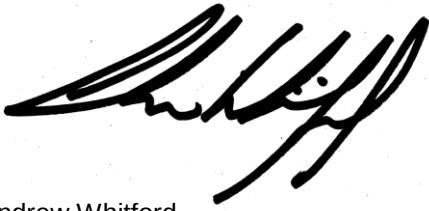
In the OS2 lands, the swale passes through two areas to be retained as bushland (**Figure 2**). In both there is significant regrowth of Spotted Gum along with heavy infestations of grassy weeds such as Rhodes Grass and *Eragrostis curvula* (African Lovegrass) in the open areas and sparse to moderate infestations of woody and herbaceous weeds such as *Olea europaea* subsp. *cuspidata* (African Olive), *Ligustrum lucidum* (Large Leaved

Privet), *Ligustrum sinense* (Small Leaved Privet), *Asparagus aethiopicus* (Asparagus Fern) and *Phoenix canariensis* (Date Palm).

Due to the native vegetation regrowth in both the Section 88b covenant areas of the C3 lands and the bushland areas of the OS2 lands it is ELA's recommendation that these areas not be filled or regraded. In the OS2 land, given that a pathway will cut through the swale as part of the proposed development, it is suggested that sufficient drainage may be able to be incorporated into the pathways to redirect waterflow and avoid ponding.

If you have any questions please contact me on (02) 8536 8628 or andrew@ecoaus.com.au.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Whitford', with a stylized flourish at the end.

Andrew Whitford

Ecologist



Figure 1: Section 88b areas within C3 lands. Orange, striped line represents approximate location ofswale assessed for this letter. Yellow indicates Section 88b areas

THORNTON PARK CONCEPT PLAN



Figure 2: Thornton Park Concept Plan (Place Design, LCM31, 30 May 2012). Orange, striped line represents approximate location of swale assessed for this letter.