



Photo 12 Rough-barked Apple on the edge of the patch of regrowth with Blackthorn.



Photo 13 Blackberry thicket with scattered landscape specimens in the northwestern corner of the subject land at Smithfield.



Photo 14 Photo facing the pedestrian pathway along the western boundary of the site, showing the derelict nature of the farmland, with abandoned fences smothered in Couch.



Photo 15 Two Parramatta Wattle and other the landscape specimens, amongst the overgrown Couch and weeds in the northwestern corner of the site.



Photo 16 A few Forest Red Gums scattered along the northwestern boundary of the subject land.



Photo 17 Scattered Hickory Wattle in the thickets of Privet and Lanatana along the western boundary.



Photo 18 The inaccessible rectangular dam along the western boundary, with Blackberry and Couch to its edges. Note the patch of Fennel dominating the foreground.



Photo 19 Photo facing north from the southwestern corner of the site, showing the pedestrian pathway along the western boundary and the disturbed nature of the land.



Photo 20 Photo facing north from the southwestern corner of the site showing the disturbed nature of the subject land and the industrial buildings of Wetherill Park in the background.



Photo 21 Photo facing east from the southwestern corner of the site showing the disturbed nature of the subject land.



Photo 22 Scattered African Olive and disturbed grassland in the southwestern portion of the subject land at Smithfield.



Photo 23 Facing west from the dwelling along the southern boundary on The Horsley Drive, Smithfield.



Photo 24 Rhodes Grass, Fennel and Couch dominating in patches in the southeastern corner of the site.



Photo 25 The regrowth patch of Wattles, with African Olive, Privet and Blackberry in the southeastern corner of the subject land at Smithfield.



Photo 26 The disturbed paddock in the southeastern corner of the subject land. Note the Lemon-scented Gums along the driveway of the property on Cowpasture Road in the background.



Photo 27 Scattered Grey Box with an understorey of African Olive and no groundcover in the southeastern corner of the subject land.



Photo 28 Fennel dominating the hilltop near the small car drag-racing track in the centre of the subject land.



Photo 29 Facing north from the centre of the site showing the similarly disturbed nature of the land to the north of the site.



Photo 30 Facing northwest from the centre of the site showing the mosaic of Blackberry and Couch, with scattered regrowth eucalypts.



Photo 31 The patch of Grey Box, with some native understorey components on the eastern boundary of the site.



Photo 32 The small patch of Common Woodruff within the patch of Grey Box on the eastern boundary of the subject land.



Photo 33 One of the few clumps of Kangaroo Grass in the patch of Grey Box on the eastern boundary of the subject land.



Photo 34 The patch of Weeping Grass in the Grey Box on the eastern boundary of the subject land.



Photo 35 The thicket of Lantana along the roadside in the small patch of Grey Box on the eastern boundary.



Photo 36 Regrowth eucalypts growing on the road bund along Cowpasture Road in the northeastern corner of the site.



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The Horsley Drive Business Park
Smithfield

Proposed Industrial Development

Ecological Issues & Assessment Report

Appendix B
OEH Wildlife Atlas Search

6th June 2012

KEY	
Status	The “ <i>threatened species</i> ” listing in the <i>Threatened Species Conservation Act 1995</i>
V	Species listed as “ <i>vulnerable</i> ”
E1	Species listed as “ <i>endangered</i> ”
E4A	Species listed as “ <i>critically endangered</i> ”
Records	The number of records of the subject site
Relevance	Likely relevance of the subject site (given records and habitats)
H	High
M	Moderate
L	Low
N	None
NOTES	
<p>The table below is based on data obtained from the recently reformed <i>Atlas of NSW Wildlife</i> website http://www.bionet.nsw.gov.au/, and the following notes accompany this dataset:</p> <ul style="list-style-type: none"> Data from the BioNet Atlas of NSW Wildlife website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Species listed under the Sensitive Species Data Policy may have their locations denatured (^ rounded to 0.1°; ^^ rounded to 0.01°). Copyright the State of NSW through the Office of Environment and Heritage. Search criteria : Public Report of all Valid Records of Threatened (listed on TSC Act 1995) Animals and Plants in selected area [North: -33.75 West: 150.78 East: 150.98 South: -33.93] returned a total of 883 records of 44 species. Report generated on 04/04/2012 11.23am 	

Status	Scientific Name	Common Name	Records	Relevance
PLANTS				
	Apocynaceae			
E1	<i>Cynanchum elegans</i>	White-flowered Wax Plant	1	N
E2	<i>Marsdenia viridiflora</i> subsp. <i>viridiflora</i>		20	L
	Fabaceae – Faboideae			
E2	<i>Dillwynia tenuifolia</i>	-	23	N
E1	<i>Pultenaea parviflora</i>		31	N
E1	<i>Pultenaea pedunculata</i>	Matted Bush-pea	8	N
	Fabaceae – Mimosoideae			
V	<i>Acacia pubescens</i>	Downy Wattle	79	L
	Marsileaceae			
E1	^^ <i>Pilularia novae-hollandiae</i>	Austral Pillwort	1	N
	Myrtaceae			
V	^^ <i>Callistemon linearifolius</i>	Netted Bottle Brush	1	N
V	<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	3	N
E1	<i>Eucalyptus scoparia</i>	Wallangarra White Gum	1	N
E1	<i>Syzygium paniculatum</i>	Magenta Lilly Pilly	1	N
	Orchidaceae			
E1	^ <i>Diuris aequalis</i>	Buttercup Doubletail	1	N
E1	^ <i>Pterostylis saxicola</i>	Sydney Plains Greenhood	1	N
	Proteaceae			
V	<i>Grevillea juniperina</i> subsp. <i>juniperina</i>	Juniper-leaved Grevillea	101	N
V	<i>Grevillea parviflora</i> subsp. <i>parviflora</i>	Small-flower Grevillia	12	N
E1	<i>Persoonia nutans</i>	Nodding Geebung	13	N
	Thymelaeaceae			
E1	<i>Pimelea spicata</i>	Spiked Rice-flower	51	L

Status	Scientific Name	Common Name	Records	Relevance
AMPHIBIAN				
E1	Hylidae <i>Litoria aurea</i>	Green & Golden Bell Frog	32	L-N
AVES				
V	Accipitridae <i>^Lophoictinia isura</i>	Square-tailed Kite	1	N
V	<i>Hieraaetus morphnoides</i>	Little Eagle	19	N
V	Cacatuidae <i>^Callocephalon fimbriatum</i>	Gang-gang Cockatoo	1	N
E1	Psittacidae <i>^Lathamus discolor</i>	Swift Parrot	17	L-N
V	<i>Glossopsitta pusilla</i>	Little Lorikeet	3	L-N
V	Strigidae <i>^Ninox connivens</i>	Barking Owl	2	L-N
V	<i>^Ninox strenua</i>	Powerful Owl	1	L-N
V	Tytonidae <i>^Tyto novaehollandiae</i>	Masked Owl	1	L-N
V	Acanthizidae <i>Pyrrholaemus sagittatus</i>	Speckled Warbler	2	N
E4A	Meliphagidae <i>Anthochaera phrygia</i>	Regent Honeyeater	9	L-N
V	<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater	4	N
V	Neosittidae <i>Daphoenositta chrysoptera</i>	Varied Sittella	23	N
V	Petroicidae <i>Petroica phoenicea</i>	Flame Robin	3	N
MAMMALS				
V	Dasyuridae <i>Dasyurus maculatus</i>	Tiger Quoll	8	N
V	Phascolarctidae <i>Phascolarctos cinereus</i>	Koala	3	N
V	Burramyidae <i>Cercartetus nanus</i>	Eastern Pygmy Possum	1	N
V	Pteropodidae <i>Pteropus poliocephalus</i>	Grey-headed Flying Fox	88	L
V	Emballonuridae <i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail Bat	1	L-N
V	Molossidae <i>Mormopterus norfolkensis</i>	Eastern Freetail Bat	24	L-N
V	Vespertilionidae <i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	1	L-N
V	<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	10	L-N
V	<i>Miniopterus schreibersii oceanensis</i>	Eastern Bent-wing Bat	41	L-N
V	<i>Myotis macropus</i>	Southern Myotis	15	L
V	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	10	L-N
INSECTS				
E1	Camaenidae <i>Meridolum corneovirens</i>	Cumberland Plain Land Snail	171	N



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The Horsley Drive Business Park
Smithfield

Proposed Industrial Development

Ecological Issues & Assessment Report

Appendix C
EPBC Act Website Search

6th June 2012



Australian Government
Department of Sustainability, Environment,
Water, Population and Communities

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information about the EPBC Act including significance guidelines, forms and application process details can be found at <http://www.environment.gov.au/epbc/assessmentsapprovals/index.html>

Report created: 19/04/12 14:45:06

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
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[Coordinates](#)

Buffer: 10.0Km



Summary

Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the Administrative Guidelines on Significance - see <http://www.environment.gov.au/epbc/assessmentsapprovals/guidelines/index.html>

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Areas:	None
Threatened Ecological Communities:	1
Threatened Species:	29
Migratory Species:	14

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place and the heritage values of a place on the Register of the National Estate. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage/index.html>

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

A permit may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species. Information on EPBC Act permit requirements and application forms can be found at <http://www.environment.gov>.

Commonwealth Lands:	12
Commonwealth Heritage Places:	None
Listed Marine Species:	12
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

Place on the RNE:	15
State and Territory Reserves:	3
Regional Forest Agreements:	None
Invasive Species:	18
Nationally Important Wetlands:	None

Details

Matters of National Environmental Significance

Threatened Ecological Communities [\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest	Critically Endangered	Community likely to occur within area

Threatened Species		[Resource Information]
Name	Status	Type of Presence
BIRDS		
Anthochaera phrygia Regent Honeyeater [82338]	Endangered	Species or species habitat likely to occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat known to occur within area
Dasyornis brachypterus Eastern Bristlebird [533]	Endangered	Species or species habitat may occur within area
Lathamus discolor Swift Parrot [744]	Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Vulnerable	Species or species habitat likely to occur within area
Sternula nereis nereis Fairy Tern (Australian) [82950]	Vulnerable	Species or species habitat may occur within area
FISH		
Macquaria australasica Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area
Prototroctes maraena Australian Grayling [26179]	Vulnerable	Species or species habitat may occur within area
FROGS		
Heleioporus australiacus Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area
Litoria aurea Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat likely to occur within area
Litoria raniformis Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog [1828]	Vulnerable	Species or species habitat may occur within area
Mixophyes iteratus Giant Barred Frog, Southern Barred Frog [1944]	Endangered	Species or species habitat likely to occur within area
MAMMALS		
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat may occur within area
Dasyurus maculatus maculatus (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat may occur within area
Petrogale penicillata Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat may occur within area
Potorous tridactylus tridactylus Long-nosed Potoroo (SE mainland) [66645]	Vulnerable	Species or species habitat may occur within area
Pseudomys novaehollandiae New Holland Mouse [96]	Vulnerable	Species or species habitat likely to occur

Name	Status	Type of Presence within area
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Roosting known to occur within area
PLANTS		
Acacia pubescens Downy Wattle, Hairy Stemmed Wattle [18800]	Vulnerable	Species or species habitat likely to occur within area
Cynanchum elegans White-flowered Wax Plant [12533]	Endangered	Species or species habitat likely to occur within area
Grevillea parviflora subsp. parviflora Small-flower Grevillea [64910]	Vulnerable	Species or species habitat likely to occur within area
Persoonia nutans [18119]	Endangered	Species or species habitat likely to occur within area
Pimelea curviflora var. curviflora [4182]	Vulnerable	Species or species habitat may occur within area
Pimelea spicata [20834]	Endangered	Species or species habitat known to occur within area
Pomaderris brunnea Rufous Pomaderris [16845]	Vulnerable	Species or species habitat likely to occur within area
Pterostylis gibbosa Illawarra Greenhood, Rufa Greenhood, Pouched Greenhood [4562]	Endangered	Species or species habitat may occur within area
Pterostylis saxicola Sydney Plains Greenhood [64537]	Endangered	Species or species habitat likely to occur within area
Pultenaea parviflora [19380]	Vulnerable	Species or species habitat likely to occur within area
REPTILES		
Hoplocephalus bungaroides Broad-headed Snake [1182]	Vulnerable	Species or species habitat likely to occur within area
Migratory Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat may occur within area
Ardea alba Great Egret, White Egret [59541]		Species or species habitat may occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Migratory Terrestrial Species		
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area

Name	Threatened	Type of Presence
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Breeding may occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Breeding likely to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Breeding may occur within area
Xanthomyza phrygia Regent Honeyeater [430]	Endangered*	Species or species habitat likely to occur within area
Migratory Wetlands Species		
Ardea alba Great Egret, White Egret [59541]		Species or species habitat may occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Rostratula benghalensis s. lat. Painted Snipe [889]	Vulnerable*	Species or species habitat likely to occur within area

Other Matters Protected by the EPBC Act

Commonwealth Lands

[Resource Information]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Name

Commonwealth Land -
Commonwealth Land - Australian Postal Corporation
Commonwealth Land - Australian Telecommunications Commission
Commonwealth Land - Australian Telecommunications Corporation
Commonwealth Land - Commonwealth Scientific & Industrial Research Organisation
Commonwealth Land - Defence Housing Authority
Commonwealth Land - Defence Service Homes Corporation
Commonwealth Land - Director of Defence Service Homes
Commonwealth Land - Director of War Service Homes
Commonwealth Land - Telstra Corporation Limited
Defence - BLACKTOWN TRAINING DEPOT
Defence - Suite 8, Library Plaza

Listed Marine Species

[Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat may occur within area

Name	Threatened	Type of Presence
Ardea alba Great Egret, White Egret [59541]		Species or species habitat may occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat may occur within area
Lathamus discolor Swift Parrot [744]	Endangered	Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Breeding may occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Breeding likely to occur within area
Rhipidura rufitrons Rufous Fantail [592]		Breeding may occur within area
Rostratula benghalensis s. lat. Painted Snipe [889]	Vulnerable*	Species or species habitat likely to occur within area

Extra Information

Places on the RNE

[\[Resource Information \]](#)

Note that not all Indigenous sites may be listed.

Name	State	Status
Natural		
Kemps Creek Natural Area	NSW	Registered
Historic		
Fairfield Fire Station	NSW	Indicative Place
Old Boiler House	NSW	Indicative Place
Prospect Reservoir Area	NSW	Indicative Place
The Rooty Hill	NSW	Indicative Place
CSIRO Division of Animal Production	NSW	Registered
Grantham Poultry Research Station (former)	NSW	Registered
Greystanes (Boothtown) Aqueduct	NSW	Registered
Horsley Garden	NSW	Registered
Horsley Homestead, Outbuildings and Surrounds	NSW	Registered
Hoxton Park Airport	NSW	Registered
Site of Veteran Hall	NSW	Registered
St Bartholomews Anglican Church (former)	NSW	Registered
St Lukes Anglican Church	NSW	Registered
The Homestead	NSW	Registered

State and Territory Reserves		[Resource Information]
Name		State
Kemps Creek		NSW
Prospect		NSW
Western Sydney		NSW
Invasive Species		[Resource Information]
Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,		
Name	Status	Type of Presence
Frogs		
Bufo marinus		
Cane Toad [1772]		Species or species habitat likely to occur within area
Mammals		
Felis catus		
Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Oryctolagus cuniculus		
Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Vulpes vulpes		
Red Fox, Fox [18]		Species or species habitat likely to occur within area
Plants		
Alternanthera philoxeroides		
Alligator Weed [11620]		Species or species habitat likely to occur within area
Asparagus asparagoides		
Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
Cabomba caroliniana		
Cabomba, Fanwort, Carolina Watershield, Fish Grass, Washington Grass, Watershield, Carolina Fanwort, Common Cabomba [5171]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera		
Bitou Bush, Boneseed [18983]		Species or species habitat may occur within area
Genista sp. X Genista monspessulana		
Broom [67538]		Species or species habitat may occur within area
Lantana camara		
Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]		Species or species habitat likely to occur within area
Lycium ferocissimum		
African Boxthorn, Boxthorn [19235]		Species or species habitat may occur within area
Nassella neesiana		
Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Nassella trichotoma		
Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]		Species or species habitat likely to occur within area
Pinus radiata		
Radiata Pine Monterey Pine, Insignis Pine, Wilding		Species or species

Name	Status	Type of Presence
Pine [20780]		habitat may occur within area
Rubus fruticosus aggregate		
Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtjii		
Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Salvinia molesta		
Salvinia, Giant Salvinia, Aquarium Watermoss, Kariba Weed [13865]		Species or species habitat likely to occur within area
Ulex europaeus		
Gorse, Furze [7693]		Species or species habitat likely to occur within area

Coordinates

-33.84611 150.87616

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World Heritage and Register of National Estate properties, Wetlands of International Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

[-Department of Environment, Climate Change and Water, New South Wales](#)

- [Department of Sustainability and Environment, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment and Natural Resources, South Australia](#)
- [Parks and Wildlife Service NT, NT Dept of Natural Resources, Environment and the Arts](#)
- [Environmental and Resource Management, Queensland](#)
- [Department of Environment and Conservation, Western Australia](#)
- [Department of the Environment, Climate Change, Energy and Water](#)
- [Birds Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- [Natural history museums of Australia](#)
- [Museum Victoria](#)
- [Australian Museum](#)
- [SA Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Atherton and Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence](#)
- [State Forests of NSW](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

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The Horsley Drive Business Park
Smithfield

Proposed Industrial Development

Ecological Issues & Assessment Report

Appendix D
Flora Species List for the Subject Land

6th June 2012

KEY	
Symbol	Description
*	Exotic species
**	Noxious species listed in the Fairfield Council LGA
CPW	Species is listed as “characteristic” of the Cumberland Plain Woodland (CPW), which is listed as a “critically endangered ecological community” on the <i>Threatened Species Conservation Act 1995</i> (TSC Act)

Status	Species name	Common name
	Azollaceae <i>Azolla pinnata</i>	
	Alliaceae *	
	<i>Nothoscordum borbonicum</i>	Onion Weed
	Apocynaceae *	
	<i>Nerium oleander</i>	Oleander
	Araceae *	
	<i>Monstera deliciosa</i>	Fruit Salad Plant
	* <i>Foeniculum vulgare</i>	Fennel
	Arecaceae *	
	<i>Phoenix canariensis</i>	Canary Island Date Palm
	Asclepiadaceae *	
	<i>Araujia sericifera</i>	Moth Vine
	Asparagaceae **	
	<i>Asparagus asparagoides</i>	Bridal Creeper
	Asteraceae *	
	<i>Bidens pilosa</i>	Cobblers Peg
	* <i>Conyza bonariensis</i>	Flaxleaf Fleabane
	* <i>Cirsium vulgare</i>	Spear Thistle
	* <i>Senecio madagascariensis</i>	Fireweed
	* <i>Taraxacum officinale</i>	Dandelion
	Brassicaceae *	
	<i>Rorippa nasturtium-aquaticum</i>	Watercress
	Araucariaceae *	
	<i>Araucaria cunninghamii</i>	Hoop Pine
CPW	<i>Einadia nutans</i>	Climbing Saltbush
	Clusiaceae **	
	<i>Hypericum perforatum</i>	St. John's Wort
	Convolvulaceae CPW	
	<i>Dichondra repens</i>	Kidney Weed
	** <i>Ipomoea indica</i>	Morning Glory
	Cupressaceae *	
	<i>Cupressus lusitanica</i>	Mexican Cypress
	Cyperaceae *	
	<i>Cyperus eragrostis</i>	-
CPW	<i>Cyperus gracilis</i>	-
	<i>Lepironia articulata</i>	Grey Sedge

Status	Species name	Common name
	Fabaceae - Faboideae	
*	<i>Erythrina x sykesii</i>	Coral Tree
CPW	<i>Glycine clandestina</i>	-
*	<i>Medicago lupulina</i>	Black Medic
*	<i>Trifolium repens</i>	White Clover
	Fabaceae – Mimosoideae	
	<i>Acacia parramattensis</i>	Parramatta Wattle
CPW	<i>Acacia implexa</i>	Hickory Wattle
	Fagaceae	
*	<i>Quercus</i> sp.	Oak
	Malvaceae	
*	<i>Sida rhombifolia</i>	Paddy's Lucerne
	Myrsinaceae	
*	<i>Anagallis arvensis</i>	Scarlet Pimpernel
	Myrtaceae	
CPW	<i>Angophora floribunda</i>	Rough-barked Apple
CPW	<i>Corymbia maculata</i>	Spotted Gum
CPW	<i>Eucalyptus amplifolia</i> subsp. <i>amplifolia</i>	Cabbage Gum
CPW	<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark
CPW	<i>Eucalyptus mollucana</i>	Grey Box
CPW	<i>Eucalyptus tereticornis</i>	Forest Red Gum
	Nymphaeaceae	
*	<i>Nymphaeae mexicana</i>	Yellow Waterlily
	Onagraceae	
	<i>Ludwigia peploides</i>	Water Primrose
	Oleaceae	
**	<i>Olea europaea</i>	African Olive
**	<i>Ligustrum lucidum</i>	Large Leaved Privet
**	<i>Ligustrum sinense</i>	Small Leaved Privet
	Pittosporaceae	
CPW	<i>Bursaria spinosa</i>	Blackthorn
	<i>Pittosporum undulatum</i>	Sweet Pittosporum
	Plantaginaceae	
*	<i>Plantago lanceolata</i>	Lamb's Tongue
	Poaceae	
*	<i>Arundo donax</i>	Giant Reed
CPW	<i>Austodanthonia</i> sp.	Wallaby Grass
*	<i>Briza minor</i>	Shivery Grass
*	<i>Bromus catharticus</i>	Prairie Grass
*	<i>Cortaderia selloana</i>	Pampass Grass
*	<i>Chloris gayana</i>	Rhodes Grass
	<i>Cynodon dactylon</i>	Common Couch
CPW	<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping Grass
*	<i>Paspalum dilatatum</i>	Paspalum
*	<i>Phalaris canariensis</i>	Canary Grass
*	<i>Setaria pumila</i>	Pale Pigeon Grass
CPW	<i>Themeda australis</i>	Kangaroo Grass
	Polygonaceae	
*	<i>Rumex brownii</i>	Swamp Dock

Appendix DFlora species list surveyed from the subject land on the 4th of April 2012

Status	Species name	Common name
	Proteaceae <i>Grevillea robusta</i>	Silky-oak
*	Rosaceae <i>Eriobotryae japonica</i>	Loquat
**	Rubiaceae <i>Rubus anglocandicans</i>	Blackberry
CPW	<i>Asperula conferta</i>	Common Woodruff
**	Salicaceae <i>Salix babylonica</i>	Weeping Willow
	Typhaceae <i>Typha domingensis</i>	Narrow-leaved Cumbungi
**	Verbenaceae Lantana camara	Lantana
*	<i>Verbena bonariensis</i>	Purpletop



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Smithfield

Proposed Industrial Development

Ecological Issues & Assessment Report

Appendix E
Fauna Species List for the Subject Land

6th June 2012

KEY	
Symbol	Description
*	Exotic species
V	Species is listed as “vulnerable” on the <i>Threatened Species Conservation Act 1995</i> (TSC Act)
M	Species is listed as “migratory” on the <i>Environment Protection & Biodiversity Conservation Act 1999</i> (EPBC Act)

Status	Species name	Common name
AVES		
V	Accipitridae <i>Hieraaetus morphnoides</i>	Little Eagle
	Artamidae <i>Gymnorhina tibicen</i>	Magpie
	Columbidae <i>Ocyphaps lophotes</i>	Crested Pigeon
	Corvidae <i>Corvus coronoides</i>	Australian Raven
	Dicruridae <i>Rhipidura leucophrys</i>	Willy Wagtail
*	Fringillidae <i>Carduelis carduelis</i>	European Goldfinch
*	Meliphagidae <i>Lichenostomus plumulus</i> <i>Manorina melanocephala</i>	White-plumed Honeyeater Noisy Miner
	Psittacidae <i>Trichoglossus haematodus</i>	Rainbow Lorikeet
	Sylviidae <i>Acrocephalus australis</i>	Reed Warbler
*	Sturnidae <i>Acridotheres tristis</i>	Indian Myna
MAMMALS		
*	Canidae <i>Vulpes vulpes</i>	Fox
AMPHIBIA		
	Myobatrachidae <i>Crinia signifera</i> <i>Limnodynastes peronii</i>	Common Eastern Froglet Striped Marsh Frog
REPTILES		
	Scincidae <i>Eulamprus quoyi</i> <i>Lampropholis delicata</i>	Water Skink Garden Sun-skink
FISH		
*	Poeciliidae <i>Gambusia holbrooki</i>	Plague Minnow



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The Horsley Drive Business Park
Smithfield

Proposed Industrial Development

Ecological Issues & Assessment Report

Appendix F
Section 5A Assessments of Significance

6th June 2012

**The HORSLEY DRIVE BUSINESS PARK
SMITHFIELD**

PROPOSED INDUSTRIAL DEVELOPMENT

ECOLOGICAL ISSUES & ASSESSMENT REPORT

SECTION 5A ASSESSMENTS of SIGNIFICANCE

6th June 2012

1 INTRODUCTION

The *NSW Threatened Species Conservation Act 1995* (TSC Act) has modified the *NSW Environmental Planning & Assessment Act 1979* (EP&A Act) by, *inter alia*, including a requirement to determine “whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats”. Section 5A details seven factors which “*must be taken into account*”, as relevant, by a consent or determining authority in administering Sections 78A, 79B, 79C, 111 and 112 of the EP&A Act.

In addition to the seven factors which “*must be taken into account*” (where relevant) pursuant to Section 5A(2) of the EP&A Act (see below), Section 5A(1)(b) of the EP&A Act requires that “any [relevant] *assessment guidelines*” promulgated by the relevant authorities (particularly in this instance the OEH) also “*must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats*”.

In undertaking the formal *Section 5A Assessments of Significance* documented below, the authors have “*taken into account*” the *Threatened Species Assessment Guidelines: the Assessment of Significance* prepared by the then Department of Environment & Climate Change (now OEH), dated August 2007.

2 FACTORS for CONSIDERATION

There are seven factors which “*must be taken into account*”, where relevant, pursuant to Section 5A of the EP&A Act (as amended in 2005).

- (a) in the case of threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such as that a viable local population of the species is likely to be placed at risk of extinction.
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

- (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
 - (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.
- (d) 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 action proposed, and
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

3 NOT the 7 PART TEST

Section 5A of the EP&A Act is often (erroneously) referred to as the “seven part test”.

However, there is no such thing as the “seven part test”.

In this regard:

- 1 there is **nothing** currently listed on the TSC Act, nor can there **ever** be anything so listed, to which all of the seven factors contained in Section 5A apply. At the very **most**, only five of the factors can apply to anything listed (now or ever) on the TSC Act, and in most instances only three or four apply;
- 2 Section 5A is **not** a “test” (DECC 2007) – “*The assessment of significance should not be considered a ‘pass or fail’ test but a system allowing applicants/proponents to undertake a qualitative analysis of the likely impacts*” (emphases added);
- 3 the 7 factors (**not** “parts”) of Section 5A “**must be taken into account**” (emphasis added) in coming to a conclusion with respect to the likelihood or otherwise of a “*significant effect*” being imposed. The seven factors are **not** the fundamental question of Section 5A of the EP&A Act; and
- 4 further, the seven factors are **not** the only consideration in answering the fundamental question of Section 5A (*ie* whether there is “*likely to be a significant effect*” on threatened biota or their habitats). Other relevant matters also need to be considered.

Given the considerations outlined above, if Section 5A is to be represented (or misrepresented) by some other term, it should be either:

- the “3, 4 or 5 part test” (in respect of Point 1 above); OR
- the “3, 4 or 5 part assessment” (in respect of Points 1 and 2 above); OR
- the “3, 4 or 5 factors assessment of likely significance” (in respect of Points 1, 2 and 3 above); OR
- the “3, 4 or 5 factors plus other relevant matters assessment of likely significance” (in respect of Points 1-4 above).

4 ASSESSMENTS of SIGNIFICANCE

4.1 Relevant Biota

The only potentially relevant “*threatened species*” recorded on or near the subject land is the Little Eagle, which is listed as “*vulnerable*” in the TSC Act.

Whilst a number of other threatened species could utilise the subject land on occasions at least (either as individuals, vagrants or on seasonal basis), it is not considered likely that the subject site *per se* would support a “*viable local population*” of any such species. These other potential threatened species are considered in a generic *Section 5A Assessment of Significance* (Chapter 8 of the main *Report* – SLR Ecology 2012). That *Assessment of Significance* concludes that it is not “*likely*” that a “*significant effect*” would be imposed upon any such biota.

As documented in detail in the main *Report*, there are minute patches of vegetation on the subject land, with a canopy of trees characteristic of the Cumberland Plain Woodland (CPW) community with small and isolated patches of native groundcover and patches of Blackthorn or other native shrubs. These patches, however, are extremely small, and are not typical either of the subject land in general or even of the few small copses of trees on the land.

Whilst these minute patches could theoretically constitute examples of the CPW community (if considered in isolation), they are neither characteristic of the subject land in general nor even typical of the small copses of regrowth vegetation scattered over the land. They do not satisfy the criteria for CPW provided in the EPBC Act, and are not considered by the authors of this *Report* to be appropriately identified as CPW vegetation as listed in the *Final Determination* for that community in NSW.

Nevertheless, a dedicated *Section 5A Assessment of Significance* for the CPW community is provided below, solely on a precautionary basis. It is not conceded by the authors of this *Report* that the CPW community in fact occurs on the subject land.

4.2 Definitions Used in This Report

The definitions of areas relevant to this *Report*, and to the assessment of potential or real impacts arising from the proposed development, are:

- *subject land* 18 rural lots along The Horsley Drive and Cowpasture Road at Smithfield (including Part Lots 23 and 24, as well as Lots 25, 28B, 30, 30A, 30B, 32 and 32A in DP 13961; Lots 1-5 in DP 1098128; Lot 100 in DP 879680; Lot C in DP 103755; Lot 10 in DP 879209; and Lot 1 in DP 1036933)
- *subject site* that portion of the “*subject land*” which is proposed for development purposes (Figure 4 and *Final Plans* submitted with the application package)
- *study area* The Western Sydney Regional Parklands, in Western Sydney (Figure 3)
- *locality* an area of 10km radius around the “*subject land*”

Local Occurrence

The DECC *Assessment Guidelines* (2007) define the “*local occurrence*” of an “*endangered ecological community*” as:

- “*the ecological community that occurs within the study area. However, the local occurrence may include adjacent areas if the ecological community on the study area forms part of a larger contiguous area of that ecological community and the movement of individuals and exchange of genetic material across the boundary of the study area can be clearly demonstrated*”.

With respect to the subject site at The Horsley Drive, Smithfield, the small patches of relevant ‘CPW’ vegetation are extremely minute and disconnected, such that the “*local occurrence*” of such vegetation would be confined to those extremely minute and isolated patches within the subject site. It is not likely that “*the movement of individuals and exchange of genetic material across the boundary of the study area*” could occur with regard to these small patches.

Local Population

The DECC *Assessment Guidelines* state *inter alia* that the “*local population*” of a threatened species is “*the population that occurs in the study area*”. The *Guidelines* also state that:

- the “*local population of resident fauna species comprises those individuals known or likely to occur in study area, as well as any individuals occurring in the adjoining areas (contiguous or otherwise) that are known or likely to utilise habitats in the study area*”.

Given the high mobility and relatively wide-ranging habits of the Little Eagle, and given the nature and condition of vegetation on the subject site, it is patently clear that the “*local population*” of the species extends over a home range of several kilometres around the subject site itself. There is no possibility that the “*local population*” of this species could, or would, be confined to the subject site or the “*study area*”.

Risk of Extinction

It is to be noted that Factors a, b and c of Section 5A of the EP&A Act address the issue of whether the relevant biota “*is likely to be placed at risk of **extinction***” (emphasis added).

The DECC *Assessment Guidelines* define the “*risk of extinction*” as:

- “*the likelihood that the local population will become extinct over a short-term or in the long-term as a result of direct or indirect impacts on the viability of that population*”.

In considering the likelihood of a “*significant effect*” to be imposed as a result of any proposed development, therefore, it is necessary to consider whether that activity renders the relevant biota “*likely*” to be completely obliterated or rendered totally unviable on a “*local*” scale.

In this regard, it is not sufficient that a proposal be likely to adversely affect such biota in an adverse way, or even that there be some notable reduction in population or the distribution or abundance of relevant resources. Rather, it must be “*likely*” that the “*local occurrence*” of an “*endangered ecological community*” be rendered incapable of surviving in the locality.

4 ASSESSMENTS of SIGNIFICANCE

4.1 Little Eagle

Factor (a) Threatened Species and the Risk of Extinction

The Little Eagle occurs widely throughout NSW and the rest of eastern Australia, although there are some indications that the total population of this species has been in decline in recent times.

The Little Eagle utilises an array of typically woodland and open forest communities, along with grassland and shrubland vegetation, for foraging purposes, and builds its nests in the forks of moderate to large trees. The presence of a single Little Eagle above the subject land at Smithfield demonstrates the ability of the species to utilise highly modified landscapes at the periphery of highly urbanised portions of the Sydney basin. Whilst an individual or individuals could utilise the subject land for foraging purposes, there is no evidence of nest on the land or in the immediate vicinity, and the subject land would represent only a minute fraction of a substantial home range for this species.

As noted by the OEH in the species profile for the Little Eagle, this species “occurs as a single population” throughout NSW. It is not possible, therefore, that the “viable local population” of the Little Eagle (being that which occupies the whole of NSW, or even a population confined to the Sydney basin) could be reliant or dependent upon the subject site at Smithfield for its survival. There is, consequently, no possibility of the proposed development of the subject land at Smithfield placing the “viable local population” of the Little Eagle “at risk of extinction”.

Factor (b) Endangered Populations and the Risk of Extinction

There is no relevant “endangered population” of the Little Eagle.

Factor (c) Endangered Ecological Communities and the Risk of Extinction

The Little Eagle is not an “endangered ecological community”.

Factor (d) Habitat Removal, Modification, Fragmentation, Isolation and Importance

The subject land represents, at best, a small area of potential foraging habitat for the Little Eagle. That area is insignificant with respect to the home range of even a single individual or a pair of the Little Eagle, and its removal cannot be regarded as of any potential significance with respect to that species.

With respect to the relevant matters raised in Factor (d) for Section 5A of the EP&A Act “in relation to the habitat” of the Little Eagle:

- the area of (potential) foraging habitat which will be removed by development of the subject land as proposed constitutes only an infinitesimal proportion of suitable or potentially suitable habitat for that species in the immediate vicinity or locality – Factor (d)(i);

- there is no possibility of habitat for this species becoming “*fragmented or isolated from other areas of habitat as a result of the proposed action*”, given that all of the land to the east of the subject land is already developed for industrial and/or residential purposes, and given the high mobility of the Little Eagle – Factor (d)(ii); and
- the area of potential habitat to be “*removed*” or “*modified*” for the proposed development of the subject land at Smithfield cannot be regarded as of any “*importance ... to the long-term survival*” of the Little Eagle “*in the locality*”, or at any scale – Factor (d)(iii).

Factor (e) Critical Habitat – Direct and Indirect Effects

At the time of this *Report*, no “*critical habitat*” for the Little Eagle had been declared by the Director-General of the OEH.

Factor (f) Recovery Plans and Threat Abatement Plans

There is no *Recovery Plan* for the Little Eagle, and none of the current *Threat Abatement Plans* are of particular relevance to the Little Eagle, or its habitat.

Factor (g) Key Threatening Processes

None of the “*key threatening processes*” listed in the TSC Act are of any relevance with respect to the Little Eagle or the proposed development of the subject land at Smithfield.

Because of the highly degraded and modified nature of the subject land, there is in essence no “*native vegetation*” present. The clearing of the subject land required for development purposes cannot reasonably be considered to fall within the concept of the “*clearing of native vegetation*” as a “*key threatening process*” in the TSC Act.

Furthermore, the potential for some “*loss of dead wood and dead trees*” is not considered of any relevance, given the marginal value of the subject land for the Little Eagle in any case.

The proposed development of the subject land at Smithfield could not conceivably be regarded as an action that would involve the imposition or exacerbation of any “*key threatening process*” to the extent that it would be likely to have an adverse impact on the Little Eagle.

CONCLUSIONS

The proposed development of the subject land at Smithfield has been considered with respect to the relevant factors of Section 5A of the EP&A Act with reference to the Little Eagle.

There is no possibility that the proposed development of the subject land would impose a “*significant effect*” (if indeed any effect at all) on the Little Eagle. There is no requirement for the preparation of a *Species Impact Statement* (SIS) with respect to that proposal.

4.2 Cumberland Plain Woodland**Critically Endangered Ecological Community****Factor (a) Threatened Species and the Risk of Extinction**

A “*threatened species*” is defined in the TSC Act as “a species specified in Part 1 or 4 of schedule 1 or in schedule 2” of the Act. The Cumberland Plain Woodland (CPW) community is not a “*threatened species*”.

Factor (b) Endangered Populations and the Risk of Extinction

The TSC Act defines an “*endangered population*” as “a population specified in Part 2 of schedule 1” of the Act. The CPW community is not an “*endangered population*”.

Factor (c) Endangered Ecological Communities and the Risk of Extinction

As detailed in the *Report* to which this *Section 5A Assessment of Significance* is attached, there are only extremely small patches of regrowth woodland vegetation that could conceivably constitute examples of the CPW community. These are confined to minute patches of vegetation with a regrowth tree canopy of characteristics CPW species and an understorey which contains either or both Blackthorn and/or minute patches of native grasses.

The areas of vegetation which could conceivably constitute the CPW community (theoretically at least) occupy only a few tens of square metres. Most of the copses of regrowth woodland do not contain a native groundcover community, and consequently do not constitute the CPW community at all.

Unlike the EPBC Act, the TSC Act does not provide any specific criteria or thresholds for the presence of the CPW community. Consequently, theoretically at least, a single CPW tree with a few tufts of Kangaroo Grass could constitute an example of the CPW community. Such a patch, or the minute patches present on the subject land, do not constitute the CPW community pursuant to the EPBC Act.

Given the circumstances, it is not conceded that the CPW community is present on the subject land at Smithfield. In the event, however, that the minute patches of canopy trees with occasional shrubs and minute patches of grasses are regarded as the CPW community, the “*local occurrence*” of such vegetation would be confined to those extremely minute and isolated patches.

Given those circumstances, the proposed development of the subject land at Smithfield would (theoretically at least) result in the extinction of the minute “*local occurrences*” of the CPW community (in the event that these minute patches are regarded as CPW).

However, the loss of those minute, degraded and isolated patches of vegetation cannot be regarded as imposing a “*significant effect*” on the CPW community in general, because of their isolation, minute size and irrelevance with respect to biodiversity conservation. The loss of those minute patches of vegetation would not constitute a “*significant effect*” upon the CPW community, even if removal of those minute patches does result in their “*extinction*”.

Factor (d) Habitat Removal, Modification, Fragmentation, Isolation and Importance

As noted above, the minute patches of possible CPW vegetation on the subject site are isolated, highly degraded and of absolutely no biodiversity or ecological conservation value.

With respect to the relevant considerations contained in Factor (d) of Section 5A of the EP&A Act and with respect to the CPW community:

- the area of possible CPW vegetation to be “*removed or modified as a result of the proposed action*” at Smithfield (assuming that those patches do constitute the CPW community) are so small so to be of no relevance whatsoever with respect to the distribution of habitat for the CPW community – Factor (d)(i);
- the removal of those minute patches of degraded theoretical CPW will have absolutely no impact upon the connectivity of habitat for the CPW community. There is no possibility of the proposed activity resulting in habitat for the CPW community becoming “*fragmented or isolated from others of habitat*” – Factor (d)(ii); and
- the areas of vegetation to be removed from the subject land are of no “*importance ... to the long-term survival*” of the CPW community, either “*in the locality*” or at any scale – Factor (d)(iii).

Factor (e) Critical Habitat – Direct and Indirect Effects

The TSC Act 1995 defines “*critical habitat*” as “*habitat declared to be critical habitat under Part 3*” of the Act. At the time of this *Report*, no “*critical habitat*” for the CPW community had been declared.

Factor (f) Recovery Plans and Threat Abatement Plans

There are currently no relevant *Threat Abatement Plans* with respect to the CPW community.

Similarly, although a *Draft Recovery Plan* for the recovery of vegetation on the Cumberland Plain has been prepared by the DECC (now the OEH), there is no *Recovery Plan* currently in place for the CPW community.

In any case, the minute patches of highly degraded theoretical or potential CPW vegetation on the site are of no relevance to the conservation of that community. The removal of those minute and isolated patches of vegetation, even if they do constitute CPW, could not be either relevant to the conservation of the CPW community or contrary to any appropriate or relevant goals or objectives, or actions, of any *Threat Abatement Plan* or *Recovery Plan* for the CPW community.

Factor (g) Key Threatening Processes

Even if the minute patches of vegetation on the subject land that could conceivably be considered to constitute the CPW community are deemed to be so, their removal cannot be regarded as relevant with respect to the “*key threatening process*” known as “*the clearing of native vegetation*”. As discussed in detail above, the patches of vegetation which could constitute CPW are minute, degraded and isolated,

and do not contribute in any meaningful manner to the conservation of that “*critically endangered ecological community*” (CEEC).

Thus, whilst the removal of these minute patches of vegetation could theoretically constitute that “*key threatening process*”, the loss of vegetation is not regarded as of relevance with regard to the operation of the “*key threatening process*”. Importantly, it is not conceivable that the removal of those minute patches of vegetation would result in the imposition of a “*significant effect*” upon the CPW community. Even if that removal does constitute the “*clearing of native vegetation*”, that “*clearing*” is of no relevance with respect to the CPW community.

CONCLUSIONS

The relevant factors which must be considered pursuant to Section 5A of the EP&A Act in the determination of “*whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats*” are discussed above with regard to the CPW community and the proposed development on the subject site at Smithfield.

The proposed development of the subject site at Smithfield is not “*likely*” to impose a “*significant effect*” upon the CPW community on the subject site (even if it is present) given:

- the minute area of that possible vegetation proposed for removal;
- its highly degraded, modified and disturbed condition; and
- its isolated and fragmented nature.

The vegetation present on the subject site at Smithfield does not constitute a significant example of the CPW community, if indeed it is CPW at all. The loss of that vegetation would not significantly affect the survival of the CPW community at any scale. A *Species Impact Statement* (SIS) is not required for the proposed development at Smithfield with respect to the CPW community.