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Nature Conservation Saves for Tomorrow

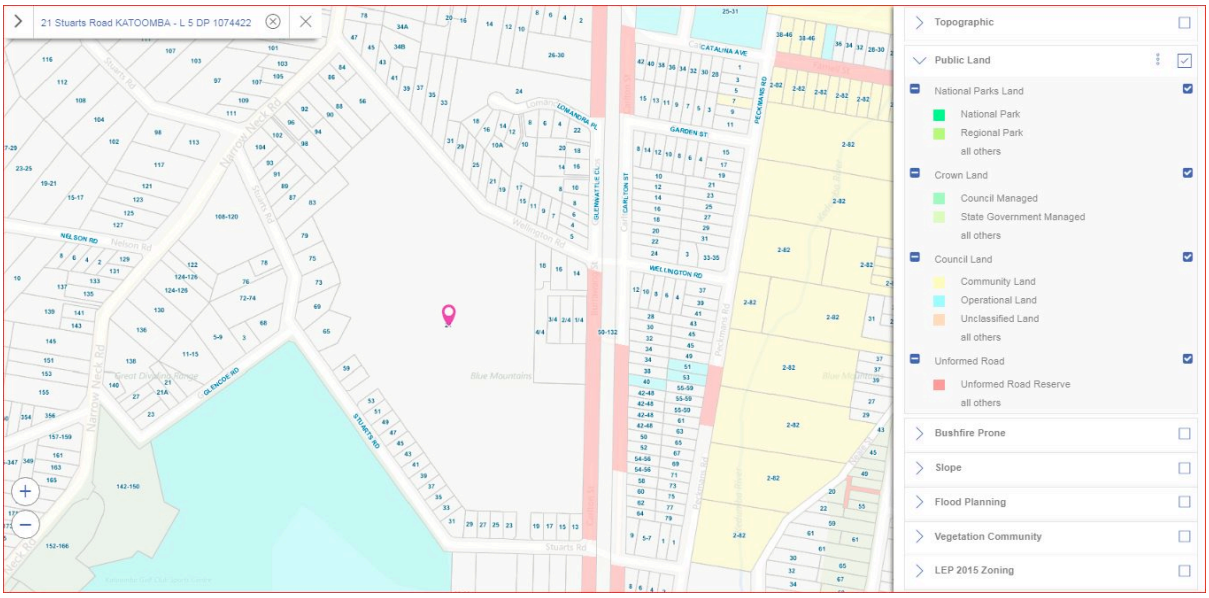
Submission via email
Commonwealth Department of Agriculture, Water and Environment
epbc.comments@environment.gov.au

April 8 2021

Dear Sir/Madam

Reference Number 2021/8912 CIF Properties Pty Ltd Residential Development Stuarts Road Katoomba NSW

The Blue Mountains Conservation Society (BMCS) is a community-based volunteer organisation with over 800 members. Founded in 1961, the BMCS is the oldest continuing conservation organisation in the Blue Mountains. Its mission is to help conserve the natural environment of the Greater Blue Mountains, and to increase awareness of the natural environment in general.



The Society wishes to object to the approval of this residential subdivision which has a long contentious history. In 2006 the NSW Land and Environment Court approved a subdivision on the site– S/29/2003 - following a refusal by Blue Mountains City Council (Heaseman v Blue Mountains City Council [2006] NSWLEC 115). The consent was for a

46 lot community title subdivision (43 residential lots and 3 community lots) and for dwellings on 42 of the residential lots. In February 2014 the Land and Environment Court approved a modification to the original consent (SL/29/2003/A) to allow one of the larger lots - Lot A8 - to be further subdivided into 3 lots. This modified consent was for a total of 48 lots on the site being 45 residential lots and 3 community title lots.

In 2019 the developer submitted an altered subdivision proposal (S/39/2019) to Blue Mountains City Council which was refused by the Local Planning Panel in February 2020.

This referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act* (EPBC Act) appears to relate to the modified 2006 consent issued in 2014 (see EPBC Act referral, p1).

The Society strongly objected to the original 2006 proposal and modification, as well as the revised refused proposal in 2019. The reasons for this are outlined below

The proposed Bushland Conservation Area

The long term management of the proposed Bushland Conservation Area (as outlined in the Vegetation Management Plan) is an essential component in terms of ensuring "no significant impact" on nationally listed species and ecological communities found on site, and is of **utmost concern to the Society**. The Bushland Conservation Area for instance is critical in the assessment that there will be no significant impact on the EPBC Act listed Temperate Highland Peat Swamp (THPS) Endangered Ecological Community, despite the development leading to loss or modification of this community (Ecological Assessment Report 2021, Travers Bushfire and Ecology, p77). The Bushland Conservation Area it is stated will lead to the remaining THPS on site being "protected, improved and managed".

It is very unclear what will happen after the initial 5 year establishment period for the Bushland Conservation Area (as specified in the Vegetation Management Plan). Who will maintain the area after the initial establishment period of 5 years, even supposing it has been properly rehabilitated and maintained during that time? Who or what will stop the new residents from disrespecting the proposed area, including dumping rubbish? How will such continuity of care be provided for the Bushland Conservation Area?

Our experience in bushland reserves that have been worked by Bushcare volunteers for over 30 years tells us that constant inspection and maintenance long term is needed in any site that is adjacent to residential occupancies, even when residents are interested and cooperative. Without a long term management plan in place the area will just become degraded, weed filled and will in no way protect or improve the THPS on site.

Stream and groundwater impacts

The referral and report under estimate the importance of the stream running through the property. It appears to be considered a 1st order stream (see p2 of the Report) ie one with no tributaries. However the Society considers it is in fact at least a 3rd order stream with substantial drainage input including from across the land to be developed. Topographic maps do not include 1st and 2nd order streams (complexity overwhelms the maps; ref: Baker 1974). The result of demoting the order of the main stream across the property, with the implications that there are no smaller tributaries (ie 1st and 2nd order

streams), means there has been no full analysis or assessment of the drainage of the site, with implications for the area of clearing allowable near riparian zones and the swamp, and for the development itself.

NSW DPI Controlled Activity Guidelines outline that vegetation has to be left within 10m of the top of each bank of a 1st order stream. For a 2nd order stream the distance is 20 metres and for a 3rd order stream it is 30 metres on either side of a channel. Correctly identifying stream order makes a big difference to the amount of vegetation which needs to be conserved and conversely the area of the site which can be cleared for development. As the watercourse is a 3rd order stream then the Biodiversity Conservation Area and surrounding buffers to protect the riparian zone including the swamp should be considered inadequate.

In addition there appears to be no assessment or consideration in the ecological report of groundwater flow, its lines of movement and the seepage areas for the swamp. The Society therefore believes the conclusion that the EPBC Act listed Temperate Highland Peat Swamp (THPS) Endangered Ecological Community will not be significantly impacted by the development is erroneous. The conclusion that the EPBC Act listed fauna species dependent on the THPS – the Blue Mountains Water Skink- will also not be significantly impacted is therefore also erroneous.

The proposed buffer zone around the swamp on the surface does not change the fact that subsurface flow essential for swamp survival (and the maintenance of other riparian vegetation) has not been considered. This development will permanently change the hydrology of most of the southern and western side of the property. Grasses and forested areas with high rates of infiltration will be replaced by hard urban surfaces (buildings, roads etc) that invariably decrease groundwater infiltration and increase runoff frequently leading to decline in swamp health and increased stream erosion (from higher than present direct runoff).

Flora impacts

The thoroughness of the field assessment is disputed. Flora surveys in late autumn and the dead of winter means a lack of flowering and therefore species are missed. This is especially relevant in terms of terrestrial orchids. It also appears no flora surveys were done in the predominantly grassed area to be developed. It is in such disturbed areas, now grassed, orchids often can be found appearing especially if there is a bit of drainage water.

The EPBC Act listed threatened plant species, *Persoonia acerosa,* was identified apparently outside the development area. It was also noted that there is also the potential for *Pultenaea glabra* to also be on the site but it was not found. In *Native Vegetation Mapping in the Blue Mountains 1999 – 2002 (prepared* for Blue Mountains City Council by Ecological Surveys and Planning) it is stated in the description of the *Eucalyptus sieberi – E. piperita* open forest that "the community also supports the vulnerable shrubs *Persoonia acerosa* and *Pultenaea glabra"* and that in fact (p.68) "several of the … area's threatened plant species are favoured by disturbance regimes which can mean that they occur primarily in areas that may have been mapped as "modified bushland" ... The vulnerable shrub, *Persoonia acerosa* is a particularly good example of this situation". In light of this the Society believes the 30% of the *E. sieberi/E.piperita* that is to be destroyed by the development in its southern corner, some of which is in a disturbed state, should therefore be more thoroughly investigated for both species but particularly *P. acerosa.*

Fauna impacts

The Society believes the assessment of the impact on the development on birdlife is inadequate. A 10 minute inspection of a small part of the remnant bushland behind 19, and 23 – 29 Stuarts Rd on 14th October 2019 noted the presence of great thickets of *Leptospermum polyanthum* (left out of plant species list) beneath *Eucalyptus sieberi* and an obvious and noisy assemblage of birds that included the Yellow-faced Honeyeater, Golden Whistler, Eastern Whipbird and Striated Thornbills none of which are included in the tables in the report. This suggests that many more species would be noted as present on the site with more extensive surveys.

An assessment of impact of the development on the Autumn Honeyeater migration is missing. This property lies directly beneath the main flight path of the autumn migration of honeyeaters and associated birds. As has stated by Birdlife International (see https://www.birdlife.org.au/documents/OTHPUB-IBA-supp.pdf)

> *The GBMWHA was declared an IBA (Important Bird and Biodiversity Area) by BirdLife International in 2017. A triggering criterion for this listing was the autumn migration of the Yellow-faced Honeyeater and their congregation during this event in the higher altitudes. With annual numbers exceeding 200 000, and accompanied by other species, these birds sweep up onto the plateau from the southern valleys, feed on heath and woodland plants especially Banksias and dependant insects, then continue their flight north across the Grose and beyond.*

This significant event happens mostly from April to early May and is focused on Narrowneck Peninsula just to the south of Stuarts Rd. The Autumn Honeyeater migration has been surveyed by Blue Mountains Bird Observers for the past 8 years, with Narrowneck area being one of the highest count locations. These birds, mostly Yellow-faced and White-naped Honeyeaters plus a variety of fellow-travellers, travel northwards from the escarpment, resting, roosting and feeding in flowering Eucalypts including the sieberi species on the subject site, which is in the direct path of these birds, sometimes travelling through in flocks as large as 10,000 an hour. The migration starts in early April and continues through most of May.

The GBMWHA is listed for its biodiversity values, including the nationally significant Autumn Honeyeater migration. The continuation of this significant wildlife event is dependent on natural bushland and flowering Eucalypts in areas adjacent to the GBMWHA, such as found at the development site.

Thank you for the opportunity to comment on this proposal. We urge you to consider the issues raised in this submission.

Yours sincerely

T Cameron

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