



Office of
Environment
& Heritage

Your reference : PEX2013/0003
Our reference : DOC15/214891
Contact : Rachel Lonie 9995 6837

Mr Peter Robinson
Group Manager Strategic Planning
Warringah Council
DX 9118
Dee Why NSW 2099

Attention: Janelle Brooks

Dear Mr Robinson

I refer to your correspondence dated 3 June 2015 to the Office of Environment and Heritage (OEH) regarding the Applicant's response to OEH's previous comments provided to Warringah Council on the planning proposal for Ralston Avenue, Belrose (Lot 1 DP 1139826).

Comments are provided in Attachment 1. This includes advice on the adequacy of the Applicant's response to the known presence of threatened species including red flags under the Biodiversity Certification Assessment Methodology and the proposal to biodiversity certify the subject land.

Should you have any queries in regard to this correspondence please contact Rachel Lonie, Senior Operations Officer, on 9995 6837 or by email at rachel.lonie@environment.nsw.gov.au.

Yours sincerely,

S. Harrison 30/06/15

SUSAN HARRISON
Senior Team Leader Planning
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ATTACHMENT 1. Office of Environment and Heritage (OEH) comment on Applicant's response to OEH's previous comments provided to Warringah Council on the planning proposal for Ralston Avenue, Belrose (Lot 1 DP 1139826)

1. Biodiversity Certification

Although the Applicant's response includes a statement that a Biodiversity Certification Assessment Report (BAR) will be prepared and exhibited parallel with the planning proposal exhibition and review process, Council's cover letter refers to the Applicant seeking to rezone the land prior to finalising the biocertification assessment.

OEH would strongly recommend against the rezoning application being progressed before a BAR is prepared and approved by OEH for exhibition. OEH recommends that the BAR be exhibited at the same time as the planning proposal in order for adequate community consultation to occur and for the assessment of biodiversity values to be clearly and transparently demonstrated.

As previously advised, OEH does not support the current planning proposal given the significant environmental impacts that would result from the rezoning. Biocertification provides a systematic assessment methodology to consider the biodiversity values across the entire site to determine whether biodiversity values will be protected and maintained as proposed in the BAR. It would streamline the assessment process at development application stage by removing the requirements for site by site threatened species assessments and reduce costs for both the Applicant and Council.

2. Threatened Species Surveys and Assessment

The various reports discuss survey efforts in several sections, but none discuss all the survey efforts in a systematic way. Additionally, descriptions of where survey efforts have been undertaken are not extensive and the mapping of survey efforts provided does not cover all survey periods. This makes it difficult to be completely certain about whether the survey efforts has been adequate for biocertification purposes. The following comments should be taken in that light.

1. The reports find that the proposal will remove 134 *Tetratheca glandulosa*. This is nearly 27 times the number that is considered a negligible loss in the Sydney Metro CMA for the purposes of biocertification and would trigger a red flag. OEH would need to issue a red flag variation for this loss to be biocertified. The reports admit that inadequate targeted survey for *Tetratheca glandulosa* has been undertaken in the proposed offset area, so it cannot be determined whether the required offset can be achieved for this species.

Regardless, the expected loss is a significant red flag and OEH cannot give advice about whether this red flag could be varied without an assessment under Section 2.4 of the Biodiversity Certification Assessment Method (BCAM).

2. Warringah Council staff have observed Eastern Pygmy Possum in the development area. The most recent ecological assessment (August 2013) notes that "the degree of habitat use and the importance of that habitat being lost for a local population of Eastern Pygmy Possum needs to be determined in consultation with specialists" and an expert opinion is that "important areas of foraging habitat and breeding habitat will be affected by the proposed development and hollow surveys are required to determine the adequacy of the offset for breeding before a conclusion of significance can be made". There is no indication that this survey has been carried out.

The preliminary biocertification assessment (August 2013) has this species as an ecosystem credit. This species is now a species credit species. Either an adequate survey will need to be conducted, or an expert report will need to be prepared, before it can be determined that the required offset has been achieved.

3. The reports note that there are eight *Grevillea caleyi* known from the residential area, and claim that seven of these will be protected within it.

The preliminary biocertification report (Table 6) says there are five *G. caleyi* in the offset areas, but that these appear to be the specimens adjacent to the substation (it is not known why there are only five in this report, not seven). That report then assesses their contribution to the required offset based on different management and protection types.

However, there are few details of the manner of this protection although it is noted that these seven individuals are on the fence line of the substation on Wyatt Avenue (the maps provided are of such low resolution that it is impossible for OEH to determine the location exactly).

Even if these *G. caleyi* were protected to provide 100% credits, which is unlikely, and a red flag variation was granted, an additional five *G. caleyi* would need to be found in the offset lands or elsewhere to meet the required offset. OEH is unable to say that it would grant the red flag variation until the source of these additional five *G. caleyi* was identified and it was confirmed that they could be protected appropriately.

Additionally, again, OEH cannot give advice about whether this red flag could be varied without an assessment under Section 2.4 of the BCAM.

4. There is one red flag vegetation type - Needlebush - Banksia wet heath on sandstone plateaux of the Sydney Basin which corresponds to the Coastal Upland Swamp endangered ecological community.

As with the other red flags, OEH cannot give advice about whether this red flag could be varied without an assessment under Section 2.4 of the BCAM.

5. This review has not comprehensively reviewed the survey effort for other threatened species due to time constraints and the confusing manner in which that information is provided, spread across several reports, all of which pre-date surveys proposed for October 2013. The low resolution and extremely complex nature of the maps of survey efforts does not assist in this matter.

(END OF SUBMISSION)

