

7 Part Test

Palmdale Lawn Cemetery and Memorial Park
Lot 3 Palmdale Road
Palmdale



PREPARED BY:



NOVEMBER 2010

PEAK LAND MANAGEMENT

Land management consulting services:

-Bushfire-

-Ecological-

-Agricultural-

P O Box 3083

MEREWETHER NSW 2291

Ph: 02 49 61 3131

Fax: 02 49 61 3136

Mobile: 0410 633 837

Email: peak@hunterlink.net.au

Web site: peaklandmanagement.com

CONTENTS

AUTHOR DETAILS.....	5
EXECUTIVE SUMMARY	6
1.0 INTRODUCTION AND PROPOSAL BACKGROUND	7
2.0 PLANNING INSTRUMENTS	8
2.1 FEDERAL.....	8
2.2 STATE.....	8
2.3 LOCAL	13
3.0 SITE ASSESSMENT.....	15
3.1 DISTURBANCE HISTORY	15
3.2 CONNECTIVITY.....	15
3.3 WATER COURSES	15
3.4 SOILS, GEOLOGY AND TOPOGRAPHY	15
4.0 FAUNA AND HABITAT SURVEY	16
5.0 FLORA	17
6.0 SEVEN PART TEST OF SIGNIFICANCE.....	20
6.1 COLLECTIVE SEVEN PART TEST UNDER SECTION 5A OF THE EP&A ACT 1979	26
7.0 CONCLUSION AND RECOMMENDATIONS.....	29
8.0 REFERENCES.....	30
APPENDIX 1: FLORA DATA FOR SITE	32
APPENDIX 2: FAUNA DATA FOR SITE	36
APPENDIX 3: THREATENED SPECIES SEARCH RESULT (OVER A 10 KILOMETRE RADIUS – NSW WILDLIFE ATLAS).	37
APPENDIX 4: SELECTED PHOTOS OF SITE	42

TABLE OF FIGURES

Figure 1: Regional site location (from Department of Lands, 2010- imagery 2006)	9
Figure 2: Subject site – close up view (from Nearmap imagery 2010).....	10
Figure 3: LHCCREMS map of site (2003).....	14
Figure 4: Vegetation map by PEAK LAND MANAGEMENT	18
Figure 5: Meander transect location	19
Table 1: Threatened species considered as possibly occurring for the site and assessment of potential impact.....	21

AUTHOR DETAILS

PEAK LAND MANAGEMENT is an independent company specialising in providing quality consulting services in natural resource management, agricultural and bushfire threat assessment. The company is recognised by the Rural Fire Service as a certified Bushfire Assessment business, is a BPAD –A Certified Bushfire Consultant Business and Practitioner with the Fire Protection Association (17671), consultant member of the NSW Ecological Association and abides by their professional code of conduct and ethics, and licenced with Department of Environment, Climate Change and Water for survey and collection of threatened flora (\$11395).

Some examples of the type of work **PEAK LAND MANAGEMENT PTY LTD** undertakes includes Statement of Environmental Effects, Flora & Fauna Surveys/ Ecological Assessments, Bushland/Vegetation Management Plans, 7 Part Threatened Species Assessment Tests, Erosion and Sediment Control Plans, Rural Property Plans and Bushfire Threat Assessment reports.

Mr Ted Smith is the Director of **PEAK LAND MANAGEMENT PTY LTD**. Ted has a Bachelor of Science Degree with Honours majoring in Physical Geography from the University of New South Wales, and a Graduate Diploma in Design for Bushfire Prone Areas from the University of Western Sydney. He is a qualified experienced Ecologist, Certified Bushfire Consultant, accredited Biobanking Assessor with Department of Environment and Climate Change (Accreditation No. 0043), Certified Practicing Agriculturist and has a Certificate IV in Assessment and Workplace Training. Ted has over 20 years experience in land management, including 9 years with the Department of Land and Water Conservation (now Department of Environment, Climate Change and Water) and over 10 years managing **PEAK LAND MANAGEMENT**.

EXECUTIVE SUMMARY

The subject site is located in an area which has the following ecological attributes:

- Proposed SP1 site is cleared with no native vegetation present.
- One Endangered Ecological Community present over the vegetated creekline— *River Flat Eucalypt Forest on coastal floodplains*. This vegetation has significant weed invasion. It is proposed to be retained and rehabilitated.
- No threatened flora species under either the TSC Act or EPBC Act have been recorded for the site.
- One threatened fauna species under the TSC Act was recorded – Little Eagle, and there is potential habitat for a range of threatened species (predominantly birds, bats and owls) to use the site for shelter/nesting, and foraging.
- The site is not potential koala habitat, but with no recorded koala sightings in this area.
- The site has some limited hollow bearing habitat trees present.

Works are recommended to be attuned to these ecological attributes, and cause the least amount of disturbance feasible. To achieve this, the following actions are recommended, which have been endorsed by the proponent:

- Rezone riparian zone where native vegetation occurs, including Endangered Ecological Community, to E2. Retain all native vegetation including habitat hollow bearing trees in this zone.
- Develop and implement a Vegetation Management Plan for the riparian zone.

A 7 Part Test of significance and assessment of state and nationally listed threatened and migratory species found no significant effect on any threatened species if the proponent follows recommendations in this report. In fact some benefits may be realised by proposed weed eradication. It is the consultant's opinion that this application does not need referring to the Department of Environment and Heritage.

1.0 INTRODUCTION AND PROPOSAL BACKGROUND

PEAK LAND MANAGEMENT PTY LTD has been engaged by Andrews Neil on behalf of The Stevens Group to prepare a 7 Part Test for a rezoning application for Lot 3 DP 549272 Palmdale Road, Palmdale. The proposed rezoning will rezone Lot 3 from 7(b) to SP1 (Cemetery/Crematorium) over cleared land fronting Palmdale Road, and E2 (Environmental Protection) over Canada Drop Down Creek and surrounding remnant riparian vegetation (Figure 2).

The proposed development over the SP1 Land will occur only over previously cleared former agricultural land. All riparian native vegetation will be retained. It is understood that future development will consist of crematorium raised garden beds with human ash remains contained within sealed urns, and buried in raised garden beds with small plaques over them.

The subject site is located as shown in Figures 1 -2, and photos in Appendix 4. It is located on Palmdale Creek Road, around 500m west from the Sydney –Newcastle Expressway.

A meeting was held on site with representatives of Andrews Neil (Garry O'Dell), Stevens Group (Lin Armstrong) and Wyong Council (Sharyn Gale & Rhiannon Hely) to discuss council requirements. Previous correspondence from council (letter dated 30th June, 2010) stated that the following was required:

- d 7 part test to identify potential Endangered Ecological Communities in respect of that part of the creek ie the vegetated area surrounding Canada Drop Down creek adjacent to Lot 3 DP 549272.***

This was confirmed on site by council officer Sharyn Gale after site inspection, and subsequent email correspondence. It was stated Council require a 7 Part Test completed for the proposed Lot 3 rezoning (both vegetated riparian zone and cleared area including house). No fauna survey was deemed necessary, with a habitat assessment, opportunistic fauna survey, and flora survey targeting threatened flora species considered adequate in this case due to retention of all vegetation (except weeds).

The report follows the guidelines set out under the Flora and Fauna Survey Guidelines prepared by the Lower Hunter Central Coast Regional Environment Strategy (LHCCREMS, 2002). In this instances a variation to these guidelines has occurred as stated above, with the flora survey (one intensive meander traverse over site and surrounds), and fauna survey methodology consisted of habitat assessment and opportunistic survey in order to determine likely threatened species present (ie Biobanking type methodology). If potential habitat was present for threatened fauna species recorded in this area then an assumption has been made that they are present, or use the site occasionally for foraging. This methodology was verified on site with Ms Gale.

This report includes all assessments required under the provisions of the *Environmental Planning and Assessment Act 1979*, *EP&BC Act*, *TSC Act 1995*, *Native Vegetation Act 2003*, *National Parks and Wildlife Act 1974*, and SEPPs 19 & 44.

2.0 PLANNING INSTRUMENTS

2.1 FEDERAL

Environment Protection and Biodiversity Conservation Act 1999

This Act is related to actions which may have a detrimental impact on matters of National Environmental Significance (NES). This includes:

- Nationally Threatened Species and Ecological Communities,
- Listed Migratory Species which may be relevant to this site
- Declared world heritage sites
- Ramsar Wetlands
- Nuclear actions
- Actions in a Commonwealth marine area.

For the purposes of this Act this report should be used by Council to allow an Assessment of whether the site requires approval from Environment Australia. It is an offence to carry out an action that will or is likely to have a significant impact on one of the above NES matters without first obtaining an approval from the Commonwealth Environment Minister except where an exemption in EPBC Act applies.

A report has not been produced on NES matters from Environment Australia due to their database being down. However it is known that the site is not a listed world heritage site, or RAMSAR wetland. Nationally listed species are generally included under the NSW Threatened Species Wildlife Atlas as shown in Appendix 3, which are considered in the 7 Part Test. There are no Federal Endangered Ecological Communities present.

2.2 STATE

Environmental Planning and Assessment Act 1979

Under the EP&A Act Section 5A of the Act sets out those matters which must be taken into account in deciding whether there is likely to be a significant effect on threatened species, communities or endangered populations and their habitats. This is referred to as the “Seven Part Test of significance”. This is the case with this proposal and will be addressed.

Where development is on land that is, or is part of, critical habitat, or where development or an activity is likely to significantly affect Threatened Species, Endangered Populations or Endangered Ecological Communities and their habitat, the application for development consent must be accompanied by a species impact statement (SIS). This document is to be prepared in accordance with the Threatened Species Act (2005). This is not the case with this proposed rezoning.

Figure 1: Proposed rezoning over Lot 3 (from Andrews Neil,2010).

