Our Ref: 1958
Date: 22 July 2020

Tocae Group
c/- ADW Johnson

Attention: **Alex Hunter**

Via Email: AlexH@adwjohnson.com.au

Dear Alex,

RE: INITIAL RESPONSE TO COUNCIL RFI (3 JULY 2020)
DA/163/2020
125 & 135 JOHNS ROAD & 95 MURRAWAL ROAD, WADALBA, NSW

Please find below our initial response to the RFI from Central Coast Council for DA/163/2020.

Council Comments/AEP Response

The executive summary of the BDAR refers to the PCT detected on site commensurate with the State listed EEC Lower Hunter Spotted Gum - Ironbark Forest in the Sydney Basin Bioregion, but this is not discussed elsewhere in the report. Please clarify.

This is a typographical error. On page 11 of the report, it is stated:

> "This vegetation community is not considered commensurate with the State listed Endangered Ecological Community (EEC) Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion, as this EEC is specifically restricted to an approximate range of 65 by 35km centred on Cessnock. The Subject Site is located outside of this range, and has not been identified as an outlier."

Survey methodology for cryptic flora species is non compliant. The NSW Office of Environment and Heritage (2016) NSW Guide to Surveying Threatened Plants specifies the following survey method for orchids as part of BDARs:

"The survey method for small cryptic species such as orchids requires foot traverse, scanning a strip no more than 5 metres wide"

Transects used in the orchid surveys on this site survey were 10m wide, and thus do not meet the minimum survey effort to reliably detect threatened orchids if present.

The NSW Guide to Surveying Threatened Plants (2016) contains a table that provides the maximum distances between parallel field traverses. For epiphytes and orchids:

- In open vegetation – 10m
- In dense vegetation – 5m

Vegetation on site was considered sufficiently open that 10m parallel transects were appropriate. As such, the appropriate survey standard has been applied.

In relation to Wyong Sun Orchid Thelymitra adorata, known from Wadalba, the Threatened Biodiversity Data Collection (TBDC) specifies: "Survey: Use flowers to identify. Flowering period and abundance varies each year and occurs for 2-4 weeks Sep - Oct. Use a nearby reference population to determine most likely time for flowering. Species is more likely to be detectable on warm sunny days. and Flowering: Highly variable rates of emergence. Does not always flower every year and flowers may only open for a few hours a day over a two week period. Flowering dependent on sunny warm weather during midday". There is no evidence presented in the report as to whether the Thelymitra adorata surveys were undertaken when a local population of the species was flowering. It is assumed the targeted Thelymitra adorata surveys were part of the surveys undertaken on 26/09/2019, but it is not specifically stated. Council advised consultants via email on 24/09/19 that no plants at the Wadalba reference site for the species were known to be in flower yet. Weather details also need to be provided as the flowers of this species will only open on a hot sunny day.

The consultants recorded one orchid species on site, and Council's Ecologists recorded another species during inspection in April, so there is suitable orchid habitat on site.

A photo of the species was published on a local Facebook Orchid Group in early September (Michael Price). Council noted that much of the reference population was in bud on 24 September 2020. *Thelymitra spp.* and *T. adorata* are a conspicuous species when in bud and other surveys conducted around this date by AEP in the local area identified *Thelymitra spp.* in either bud or flower. Based on the survey effort and the results of the survey, it can be concluded that no *Thelymitra spp.* were in flower or bud during the targeted surveys and hence *T. adorata* is considered unlikely to be present on site.

It cannot be determined based on the information provided whether there is any breeding habitat on or adjoining the site for Large Forest Owls.

The Powerful and Masked Owls have been previously recorded in the Wadalba Wildlife Corridor, the Barking Owl has also been previously recorded within 10km of the subject site. Suitable large forest owl nesting habitat (that meets benchmark requirements for these species

according to the TBDC) is documented in Appendix J the BDAR. Three trees (ID 1, 3 and 4) were recorded with large hollows (> 20 cm), a minimum 6m off the ground.

Given suitable nesting habitat (three large tree hollows) was recorded and in addition, a Masked Owl was recorded calling by a songmeter in July 2019 (Section 1.43), a detailed large forest owl survey is required to determine presence of potential nest trees/ if there is breeding activity at the subject site. Table 6 details that threatened owls were only targeted for survey on one night in July 2019. Multiple nights of survey during the correct breeding season for each species required to identify owl breeding sites.

Deployment of the songmeter to passively record nocturnal calls which is equivalent to quiet listening is a suitable method to survey for Forest Owls. During breeding season (i.e. July) owls are vocal, regularly calling at dawn, dusk and sporadically throughout the night. A single call recorded once during the survey effort would indicate that the site is not part of the core home range (i.e. close to a nest tree) for Masked Owl. The songmeter was deployed for 14 nights in July 2019, providing adequate survey for the Masked Owl and other Forest Owl species.

Four nocturnal surveys were conducted in July 2019, November 2019, January 2020, including two nights of call playback. Owls were not observed. 45 nights of Songmeter recordings were made. Masked Owl was only observed once and at a distance. It was therefore considered unlikely that owls were dependent on the subject site for core home range.

No hollows larger than 30cm diameter were observed on site. The Approved Recovery Plan for Forest Owls states that hollows of larger than 40cm for Masked Owl and hollows with >45cm diameter for Powerful Owl are required. No evidence of owl pellets or whitewash was observed.

On that basis, it was determined that the site is not core home range for target forest owl species.

<u>Microbats</u>

The reported results detected four threated species on site, including three species credit species.

The possible use of structures to be removed, including derelict buildings at rear of #135 Johns Road, is not examined.

The bat survey results only appear to include analysis relating to one Anabat in December for the dates (3-8/12/2019) (6 nights), which is not consistent with the greater level of Anabat survey effort detailed elsewhere in Table 6 and Figure 6. For example, there is no analysis or results for Anabat 2 which is stated to have been deployed for 31 nights in December/January,

and none for any Anabat in July. Please clarify survey effort undertaken and results obtained. If survey effort has not met the NSW survey guide for 'Species credit' threatened bats, further survey in warm weather will be required to meet those guidelines.

Chalinolobus dwyeri and *Vespadelus troughtoni* are ruled out as being Species Credit Species as the applicable species polygon only includes all land within 2km of caves, scarps, cliffs, rock overhangs and disused mines. No such features occur within the vicinity.

Miniopterus australis species polygon is only breeding habitat, which means only caves (and very specific ones at that), none of which are present on site or within 100m.

Miniopterus orianae oceanensis species polygon is only breeding habitat which means caves – which have very specific temperature and humidity regimes, none of which are present on site. Buildings do not offer suitable alternate breeding habitat, hence not relevant to examine.

Myotis australis is recorded on site and within the recordings – over 1000 recordings of the *Nyctophilus/Myotis* species group. Presence has been accepted within the BDAR and a species polygon drawn.

Given that the above are the only microbat species that could possibly require species credits in this area, and all have been adequately dealt with as required by the BAM, there should be no need for further survey (even without the additional survey data that was collected).

Squirrel Glider

No trapping for Squirrel Gliders was undertaken. Identification of the gliders on the site as the closely related Sugar Glider has been based on camera trapping only, which is unreliable to distinguish the species. Given the local records of Squirrel Gliders at Wadalba in contiguous habitat and the fact that gliders have been photographed on the site indicating presence of suitable habitat features for gliders, the presence of Squirrel Gliders should be assumed unless adequate trapping surveys are carried out.

The camera trapping did not detect any candidate Squirrel Gliders. All gliders recorded could confidently be identified as Sugar Gliders. Nonetheless, Council have indicated that they have recorded Squirrel Gliders within contiguous habitat to the site. Regardless of the results of any (further) trapping undertaken, we assume that Council will likely insist that presence is assumed for Squirrel Gliders and offset credits applied.

White-bellied Sea Eagle

Council staff recently inspected a previously known White Bellied Sea Eagle nest in the Wadalba Wildlife Corridor and found that it shows signs of renewed activity and building. The nest is approximately 250m-280m from the western property boundary of 135 Johns Road Wadalba. The BDAR outlined WBSE sightings on the site, including roosting, but in relation to breeding activity in the form of nest the BDAR (Table 7, Species Credit Species) states: 'No nest was observed on site. Surveys of local area on foot and by car failed to locate nest. An old nest was previously recorded within 500m west of the site.' The WBSE aspect of the BDAR, including the requirement for species credits, needs to be updated to account for the known nest within 250m to 280m of the site.

Can Council please provide coordinates for the previous nest and indicate the land tenure. Are AEP able to inspect the nest?

In any case, the relevant applicable buffer for an active White-bellied Sea-Eagle nest in this scenario would be 250m. As per Council's advice above, the site sites outside that distance from the reported nest.

We trust that the information contained satisfies the requirements for the project, please do not hesitate to contact the undersigned or Ian Benson (AEP Principal Ecologist – 0420 624 707).

Yours faithfully,

Anderson Environment & Planning

Craig Anderson

Director

Anderson Environment and Planning

BAAS: 17002