

Kim Holt

From: Elyse Kenny <elysek@cityplan.com.au>
Sent: Tuesday, 20 April 2021 9:43 AM
To: Kim Holt
Cc: Graeme Skerritt; Juliet Grant; Sydney Planning
Subject: RE: PPSSNH-140 Lane Cove - DA 113/2020 - Pathways
Attachments: Ecology Letter v2.pdf

Hi Kim,

Apologies, the Ecology Letter I sent last Tuesday had an error message on the front page.

Please see attached updated version with the error message corrected. None of the other text in the letter has changed.

Will the letter be uploaded to the Planning Portal prior to the meeting?

Thanks,

ELYSE KENNY
Senior Project Planner



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From: Elyse Kenny
Sent: Tuesday, 13 April 2021 4:29 PM
To: Kim Holt <kim.holt@planning.nsw.gov.au>
Cc: Graeme Skerritt <Graeme@pathways.com.au>; Juliet Grant <julietg@cityplan.com.au>; Sydney Planning <sydneyplanning@hotmail.com>
Subject: PPSSNH-140 Lane Cove - DA 113/2020 - Pathways

Hi Kim,

For the Panel's reference, we have prepared the following additional information in response to Council's Supplementary Report:

1. Response Letter prepared by Cumberland Ecology (see attached)
2. Link to "fly through" video which shows the view of the proposed building when moving along the footpath on the opposite side of the road

[https://www.dropbox.com/s/v9scw46boq9fxff/2924 Street%20Flythrough 210412.mp4?dl=0](https://www.dropbox.com/s/v9scw46boq9fxff/2924%20Street%20Flythrough%20210412.mp4?dl=0)

Let us know if you have any questions.

Thanks,

ELYSE KENNY

Senior Project Planner



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13 April 2021

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4 Northwood Road, Longueville: Response to ecology report by Applied Ecology (March 2021)

Dear Elyse,

As you requested, I have reviewed the ecological impact assessment of the proposed development that was prepared by the company Applied Ecology for Lane Cove Council. The full title of the report (hereafter "the Applied Ecology report") is as follows:

Brainwood, M, and Carey, A (2021) Environmental Assessment 4-18 Northwood Road & 274 and 274a Longueville Road, Lane Cove. Prepared for Lane Cove Council by Applied Ecology.

I have concerns about this report because I believe it is flawed and has exaggerated and/or demonstrated unfounded findings about the likely environmental impacts of the proposal.

In my review, I refer to the flora and fauna assessment by Cumberland Ecology (2016) as "the Cumberland Ecology report". The full title of the report (hereafter "the Applied Ecology report") is as follows:

Cumberland Ecology (2016) 4-18 Northwood Rd & 274 & 274A Longueville Rd, Lane Cove: Flora and Fauna Assessment.

My findings are set out below:

1.1. Key Findings

The stated intent of the Applied Ecology report was to examine the indirect impacts of the proposed re-development of the site on existing habitats outside the subject site to the east (hereafter the "eastern bushland land"):

- The purpose was to determine any potential additional impacts that are supplementary to the impacts outlined in Cumberland Ecology's report.

- The focus was the offsite impacts of the proposal, specifically to the east of the proposal where vegetation around Land Cove Golf Course is contiguous with bushland in the Lane Cove Bushland Park and Gore Creek Reserve.

1.1.1.1. Flora and Fauna Surveys

The Applied Ecology report was prepared based upon a series of flora and fauna surveys within the eastern bushland. The vegetation was mapped, and plant species lists were compiled for native plants and weeds.

The vegetation of the eastern area was identified as a non-endangered vegetation type called Coastal Enriched Sandstone Moist Forest and no threatened plants were found. The bushland is semi-cleared and parts of it nearest the existing site are weed invaded.

Targeted surveys were also done for threatened fungi, frogs, birds and bats. No threatened fungi were found. One threatened bird and three threatened bats were found, including:

- Powerful Owl;
- Grey-headed Flying Fox;
- Little Bentwing Bat; and
- Yellow-bellied Sheath-tail Bat.

It is unclear where most of these species were detected as no survey locations are provided. It is possible that the owl was detected in bushland about 50 m from the subject site near the golf course, as indicated in Figure 26.

The findings for the threatened fauna species are not surprising and are to be expected within bushland of the type that occurs east of the subject site.

1.1.1.2. Methods Used for Impact Assessment

The methods used for impact assessment are unspecified. As no bushland will be cleared from the eastern bushland, potential impacts are indirect.

Under current legislation, there is a requirement to consider whether there will be significant impacts to threatened species by completion of 5-part tests. No 5-part tests have been done in the Applied Ecology report.

The authors have apparently made a series of assumptions about the impacts of the proposed development, including:

1. That there will be runoff from the property into the eastern bushland that contains elevated levels of nutrients and weed propagules;
2. That there will be further growth and spread of weeds in the eastern bushland;

3. That there will be no mitigation measures associated with the construction of the proposed development (such as revegetation or weed control); and
4. That there will be significantly increased levels of lighting from the new development into the eastern bushland.

These assumptions are incorrect and so it follows that the statements made about ecological impacts are also incorrect (see further explanation below).

The Applied Ecology report has also considered the impacts of shading from the proposed development upon the eastern bushland. The authors have modelled shading impacts and provided shading diagrams. However, they have selected the most extreme results and times for shading. For example, times include:

- 5.30 pm, 7 pm and 7.45 pm in midsummer; and
- 4.15 pm and 4.30 pm in midwinter.

Such times are in the evening or late afternoon and are not at times when most light is available for photosynthesis. At other times during the day, especially midday and morning, the bushland would be in full sunshine.

The authors used the extreme shadow diagrams to argue that shading will have an impact on the eastern bushland. Such an assessment is flawed.

1.1.1.3. Conclusions Drawn by Applied Ecology Assessment

On page 37, the Applied Ecology report concluded that the major impacts of the proposal would be as follows:

"The most likely impacts from the proposed development are changes in local hydrology and runoff, changes to light regimes resulting in increased shading during the DA and light spill at night, the introduction and facilitation of exotic plant species that already invade bushland."

These conclusions are flawed because the authors have not considered the latest plans for management of stormwater, design of lighting and revegetation.

In the sections below, the main conclusions of the Applied Ecology report are reviewed:

a. Storm Water

The Applied Ecology report refers to the original proposal in the DA to spread stormwater and distribute it to bushland in the adjacent area. In consultation with Council, the proposal has now changed so that storm water will be piped offsite to the adjacent creek to the east. As such, all commentary in the Applied Ecology report concerning the impacts of the earlier storm water report are redundant.

b. Lighting

The Applied Ecology report talks about proposed lighting to be used on the proposed development and the likely impacts on adjacent bushland.

On page 41 the Applied Ecology report states that the authors are “not aware of lighting details”, even though it has been stated in the DA that there would be downward facing external lights on time switches etc; plus limited hours of operation for commercial premises.

The comments by Applied Ecology about lighting are misinformed and do not have regard to the latest lighting plans.

c. Light Spill

The Applied Ecology report discusses the impacts of light spill on adjacent bushland, assuming that no provision is made in the proposal to reduce lighting impacts on bushland. This is incorrect as the proposal entails provision for minimisation of lighting over the eastern bushland by directing lighting downwards and by operating external lights on timers to ensure that they do not operate all night.

d. Weeds

The subject land is not currently managed for flora and fauna conservation. Areas of the north eastern portion of the site comprise weedy bushland. Other areas along the east of the site that adjoin neighbouring woodland are almost pure weeds, as explained in the Cumberland Ecology report. If approved, the proposal is to remove weeds from the site and to actively manage them in the future. It is also to commence active management of the bushland remnants on site, and to replant all along the eastern edge of the development using local native plant species within the remnants.

The statement by Applied Ecology that the development will lead to *“the introduction and facilitation of exotic plant species that already invade bushland”* is flawed and misleading. The proposal is to introduce active management of vegetation on site, removing weeds and planting more native species. As such, the proposal is likely to result in removal and reduction of weeds that have potential to escape the site into the bushland.

e. Impacts on Threatened Species

The Applied Ecology report discusses impacts upon several threatened fauna species:

- Powerful Owl;
- Grey Headed Flying Fox; and
- Microchiropteran Bats:
 - Little Bentwing Bat
 - Large Bentwing Bat
 - Yellow-bellied Sheath-tail Bat

As explained above, these species are expected for bushland such as the eastern bushland. However, no details were given about where the records were obtained and their proximity to the subject land. There were also no 5-part tests conducted.

The authors assume impacts to these species and their habitats, but provide no evidence or compelling explanation as to why.

In the case of the Powerful Owl, statements are made that speculate it may have a dispersal path over the site and that the proposed development could impact it in the future. There is no direct evidence for this. The owl occurs in many bushland areas in Sydney and can apparently fly across and around developed areas as it occurs in such places as the Sydney Botanic Gardens. There is no reason to assume that it will be significantly impacted by the development.

f. Other Key Points Raised by Applied Ecology

In the conclusion to the report, the authors provide a dot point list of impacts they say will arise from the development. Each of these points is responded to in the table below.

Table 1: Applied Ecology Impact Summary versus comments by David Robertson.

Potential Impacts Summary	DRs Comments
Potential for bird-building collisions, for both local birds and birds moving between the Gore Creek corridor and the Tambourine Bay corridor.	<p>The Applied Ecology authors speculate about the potential corridor for Powerful Owl movement between the Core Creek corridor and the Tambourine Bay corridor. No data is presented by the authors about such movement and neither author is a specialist ornithologist.</p> <p>Powerful Owls persist in Sydney where sufficient bushland remains and their presence is known in larger parks and gardens across the city. They occur in places like the Sydney Botanical Gardens where large buildings closely adjoin parkland and bushland.</p> <p>While there is potential for collisions between birds and the new constructions on site, the persistence of Powerful Owls in Sydney suggests that the species will not be placed at major risk by the development.</p>
Overshadowing combined with reduced sight and flight lines reduces the value of the immediate area as supplementary Powerful Owl habitat.	<p>This statement is unfounded. As aforementioned in this letter, the proposal is to improve habitats on the subject site between the bushland to the east of the site and on site.</p> <p>The statements made about sight and flight lines are speculative and not supported by evidence.</p>
Reduced sight and flight lines reduces the value of the area as a movement point for fauna between the Tambourine Creek corridor and the Gore Creek corridor.	<p>The Applied Ecology authors speculate about the potential corridor for Powerful Owl movement between the Core Creek corridor and the Tambourine Bay corridor. No data is presented by the authors about such movement and neither author is a specialist ornithologist.</p>

Potential Impacts Summary	DRs Comments
Numerous species of protected fauna are resident in the immediate area and will be impacted by works - particularly during the construction phase. Birds would nest in bushland adjacent to the area of proposed works and impacts on these resident species is inevitable. Impacts include displacement of individuals from the site through noise and vibration impacts and death of nestlings if works commence during breeding season.	While there is some potential for impacts during construction, such work is temporary and not permanent. There are also numerous management actions that can be undertaken to reduce the impacts to adjacent areas . This is now routinely done throughout Sydney and the impacts are manageable.
Changes in hydrology, particularly concentrated flows in areas where there were none can result in tree death.	There is no proposal for concentrated flows of water into bushland. This comment is unfounded.
Unless carefully managed bushland is likely to be severely degraded by weed invasion.	There is a proposal for the active management of bushland on site, and for replanting of the buffer strip between the development and the adjacent bushland to the east of the site. There is currently no active management of bushland on site. Therefore, if approved it is likely that bushland on the adjacent site will be better protected than it is at present, where there is potential for weeds to move downslope into adjacent bushland.
Shift in native species composition due to overshadowing, increased nutrients and changed site hydrology.	As stated above, there is no proposal to increase the flow of water offsite into adjacent bushland, or to increase flows of nutrients. The proposal if approved, would see improved management of hydrology, weeds and nutrient levels on site in the future.

1.1.2. 10 M buffer

Council is still requesting a uniform 10 m wide buffer to be created and revegetated between the subject land and the eastern bushland as a mitigation measure for the project. The mitigation measure is required to provide protection to the eastern bushland and Council is basing the need for a uniform buffer on the flawed and exaggerated findings of the Applied Ecology report.

Though the proposed buffer is not uniformly 10 m wide and is narrower at each end, it provides an opportunity for revegetation that would form a zone between the proposed development and bushland adjacent to the subject land. The buffer is wider than 10 m in parts, such as in the north eastern corner where an entire house block would be devoted to restoration and management of bushland. Therefore, although the buffer is not uniform width, it would average close to 10 m.

No buffer currently exists between the existing development and the eastern bushland. Upon implementation of the buffer, Urban Native and Exotic Cover comprising weeds and garden plants can be replaced with local native plants from the original dominant forest type. This would provide an improvement to biodiversity on site, increasing native species diversity and providing a buffer where none currently exists (at adjacent areas to the east). The buffer would work to ameliorate potential indirect impacts to adjacent bushland in conjunction with storm water infrastructure proposed for the development, which I have commented on in previous correspondence to you.

If the buffer were widened to a uniform width of 10 m such widening would only need to be done in limited areas a few metres wide. Such a change to the buffer would only entail a small increase in area and would not make a material difference to the ecological outcome for the site.

1.2. Conclusion

The Applied Ecology report is flawed and does not properly consider the amelioration measures that are proposed as part of the DA. It does not provide any compelling evidence to indicate that the development will have a significant detrimental impact on the eastern bushland areas.

The proposed buffer for the site is adequate to provide protection of the eastern bushland area.

Yours sincerely



David Robertson
Director
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FIGURES

Figure 1