

2 July 2020

Our ref: 20SUT/15112

Elizabeth.Garner@wsc.nsw.gov.au

Attention: Runesh Gounder

Dear Runesh,

DA 20/1069 – The Robertson Hotel, No. 1 Fountaindale Road, Robertson, Lot 2, DP 610676 – Biodiversity Assessment Review

A development application has been lodged pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) seeking Council approval for the redevelopment of The Robertson Hotel at No. 1 Fountaindale Road, Robertson. The applicant has submitted the following reports and plans in support of the application:

- *Heritage Impact Assessment* (HIA) prepared by Zoltan Kovacs Architect and dated January 2020
- *Application for Development Consent* prepared by Con Kotis and dated March 2020.
- *Arboricultural Impact Assessment Report* prepared by Allied Tree Consultancy and dated December 2019.
- *Architectural Plans* prepared by X.Pace .
- *Biodiversity Development Assessment Report* (BDAR) prepared by Narla Environmental and dated March 2020.
- *Bushfire Assessment* (BA) prepared by Peterson Bushfire and dated February 2020.
- *Landscape Plans* prepared by Chris and Charlotte Webb and dated February 2020.
- *Statement of Environmental Effects* (SEE) prepared by GSA Planning and dated March 2020.
- *Vegetation Management Plan* (VMP) prepared by Chris and Charlotte Webb and dated March 2020.

The proposed development includes the construction of a new eastern hotel wing, eight two-storey eco-cabins, 12 two-storey villas, leisure facilities and an associated network of footpaths and roads.

Pursuant to Section 4.15 of the EP&A Act, the following instruments have been taken into consideration as part of this ecological and watercourses review:

- Wingecarribee Local Environmental Plan (WLEP) 2010
- Robertson Village DCP 2019
- *Biodiversity Conservation Act 2016* (BC Act)
- *Water Management Act 2000* (WM Act) and *Water Management Regulation 2018*

- *Fisheries Management Act 1994*(FM Act)
- *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act)

SUMMARY OF BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT (BDAR)

- The Subject Property encompasses approximately 5.03 ha and is located within the Wingecarribee Local Government Area (LGA). The subject property is zoned as 'E3 – Environmental Management' and is mapped as Fire Prone Land (Peterson 2020) and as such, the creation of a 2.1 ha Asset Protection Zone (APZ) will be required around the subject land.
- The Subject Property is bounded by the Illawarra Highway to the north and Fountaindale Road to the west and the Unanderra-Moss Vale railway line to the north. It is situated within a transition area between bushland and urban landscapes. The Robertson Hotel grounds encompass the historic Robertson Hotel, and its well-manicured gardens with the peripheries of the subject land comprised of remnant rainforest and scattered woodland.
- The Subject Land is within the Subject Property and appears to refer to the development footprint and the proposed APZ. The Subject Land excludes the vegetation mapped as Plant Community Type (PCT) 743, as well as vegetation which is closer to the boundaries of the Subject Property (Figures 1-1; 2-6; 3-1; 3-2; 3-3). An earlier design included PCT 743 in the development footprint, however the design has been modified so that the current version excludes PCT 743. The Subject Land is said to cover approx. 4 ha of land including 3.3 ha of vegetation and 0.7 ha of existing infrastructure.
- The report includes a site map identifying the extent of native vegetation; occurrence condition classes of PCT 743 and PCT 1129. Justification of PCT classification has been given for PCT 1129 in Table 3-2 and Table 3-3, however justification for the classification of PCT 743 is not included in the report. The report has not included 743 as a PCT identified within the subject land in Section 3.4, or a summary of vegetation condition for PCT 743 in Table 3-3.
- The report does not include consideration of whether PCT 743 meets the criteria for Upland Basalt Eucalypt Forest of the Sydney Basin Bioregion endangered ecological community under the EPBC Act.
- Table 3-3, Section 5.1 and Section 6.1.3.1 state that PCT 1129 is identified as a Serious and Irreversible Impact candidate entity in NSW; however, PCT 1129 has not been included in Table 6-1. *Identification and justification for Threatened Ecological Communities considered to be at risk of Serious and Irreversible Impacts*, or in Table 6-2. *Additional impact assessment provisions for ecological communities that are associated with a serious and irreversible impact*.
- Table 3-5 (pg.34) Management Zones within the subject land, and the relevant vegetation attributes (composition, structure and function) affecting future VI scores: In "Changes in current vegetation attributes" says "reduction in canopy cover to 1% and removal of shrubs; removal of all leaf litter and coarse woody debris; groundcovers such as grasses regularly mowed or slashed to minimal height" and then in the "Vegetation attributes not changed" column says "Grass and groundcover composition". It is very unlikely that the changes in current vegetation attributes will not result in changes to the grass and groundcover composition. This is also the case for a number of other management zones (Condition 2 IPA; Condition 3 IPA; Condition 4 IPA; Condition 5 IPA). Additional mitigation measures should be included to justify this approach, such as the timing of slashing of grasses and ground covers should be timed to allow for seeds to set, or other appropriate measure.

- Table 5-1. Table of measures to be implemented before, during and after construction to avoid and minimise the impacts of the project and Section 6.1.2 require the replacement of hollows removed with nest boxes. The report needs to include that nest boxes need to be annually monitored for structural integrity, any pest removal and other issues.
- The report does not contain a Significance Assessment for Robertson Rainforest Robertson Rainforest in the Sydney Basin Bioregion critically endangered ecological community under the EPBC Act.
- The report does not identify whether the development meets the environmental objectives of the E3 zoning or whether site is mapped on the Wingecarribee LEP – Natural Resources Sensitivity Map.
- Appendix E is not listed on page 66 section that names the Appendices.

Issues to be addressed in the provision of an updated BDAR include:

- The report needs to include a justification for the classification of Plant Community Type (PCT) 743; it needs to include 743 as a PCT identified within the subject land in Section 3.4; and a summary of vegetation condition for PCT 743 in Table 3-3.
- The report needs to consider whether PCT 743 meets the criteria for Upland Basalt Eucalypt Forest of the Sydney Basin Bioregion endangered ecological community under the EPBC Act.
- PCT 1129 needs to be included in Table 6-1. and in Table 6-2 to ensure consistency as PCT 1129 is identified as a Serious and Irreversible Impact candidate entity in NSW in Table 3-3, Section 5.1 and Section 6.1.3.1.
- Table 3-5 (pg.34) Management Zones within the subject land, says reduction in canopy cover to 1% and removal of shrubs; removal of all leaf litter and coarse woody debris; groundcovers such as grasses regularly mowed or slashed to minimal height” and then in the “Vegetation attributes not changed” column says “Grass and groundcover composition”. Additional mitigation measures should be included to justify this approach, such as the timing of slashing of grasses and ground covers should be timed to allow for seeds to set, or other appropriate measure, to ensure that the changes in current vegetation attributes will not result in changes to the grass and groundcover composition in the Inner Protection Areas.
- Table 5-1. Table of measures to be implemented before, during and after construction to avoid and minimise the impacts of the project and Section 6.1.2 need to include that nest boxes need to be annually monitored for structural integrity, any pest removal and other issues.
- The report needs to include a Significance Assessment for Robertson Rainforest Robertson Rainforest in the Sydney Basin Bioregion critically endangered ecological community under the EPBC Act.
- The report needs to identify whether the development meets the environmental objectives of the E3 zoning and if it is mapped on the Wingecarribee LEP – Natural Resources Sensitivity Map.
- Appendix E needs to be included on page 66.

Issues Identified in the Vegetation Management Plan (VMP) that need to be addressed through an Updated VMP:

- References made to Noxious Weeds and the NSW Noxious Weeds Act 1993 to be updated to Priority Weeds identified in the South East Regional Strategic Weed Management Plan 2017 –

2022, and the *NSW Biosecurity Act 2015*. Currently the VMP refers to both the old legislative regime (Sections 5.1.3, 6.3.2, 7.5.2, Table 2) as well as the new (7.1, 7.4.2, 7.5.2, Table 1).

- The treatment of Asset Protection Zones referred to in the Bushfire Report and referenced in the BDAR need to be included within each management zone objectives, vegetation clearing protocols (for example inclusion of the requirement to slash following seeding of indigenous grasses and ground covers as described above) and the APZ management and landscaping section of the Bushfire Management report.

Regards,



Diane Campbell
Senior Ecologist Accredited BAM Assessor