

## C2 Statement Addressing SEPP Site Compatibility Criteria

**The natural environment (including known significant environmental values, resources or hazards), and the existing uses and approved uses of land in the vicinity of the proposed development.**

### **1. 85 Booralie Road, Terrey Hills.**

#### **1.1 Subject Site**

The proposed development involves the construction of a residential estate at 85 Booralie Road, Terrey Hills (Lot 2, DP 530145) 'the subject site'. The subject site covers an area of approximately 19296m<sup>2</sup>.

The subject site is situated within the suburb of Terrey Hills, which is situated in the Warringah Ward of the Northern Beaches Local Government Area (LGA). It is currently zoned 'RU4 – Primary Production Small Lots' according to the Warringah Local Environmental Plan (LEP) 2011. The property is currently used for the main purpose of horse grazing and agistment. The property has been historically cleared of vegetation in order to develop open pasture for the purpose of agriculture (grazing). A portion of the property is utilised for low density residential purposes.

Very remnant, native trees occur on the subject site. The only vegetation remaining is restricted to the southern end of the subject site within an area of approximately 870m<sup>2</sup>. This vegetation is dominated by woody weeds listed as noxious in the Northern Beaches Council area under the *Noxious Weed Act 1993*.

#### **1.2 Commonwealth Biodiversity Legislation**

##### **1.2.1 The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

A search utilising the online database *Commonwealth Protected Matters Search Tool* was conducted on 3<sup>rd</sup> February 2017 to identify all Matters of National Environmental Significance (NES) including any EPBC Act listed threatened and migratory fauna, threatened flora or threatened ecological communities within a 10 km<sup>2</sup> search area centred on the subject site. This data was used to assist in establishing the presence or likelihood of any such NES as occurring on or adjacent to the subject site, and helped inform our Ecologist on what to look for during the site assessment.

Results from the Protected Matters Search revealed 35 threatened fauna species and 30 threatened flora species modelled as having potential to utilise the area for foraging or habitat purposes.

A thorough assessment was conducted on the subject site by Narla Environmental ecologists on the 8th February 2017. A single EPBC Act listed migratory bird species, the Rufous Fantail (*Rhipidura rufifrons*) was confirmed on the subject site during the site visit. Thorough searches revealed no other NES including threatened fauna or flora on the subject site.

Caley's Grevillea occurs on the adjoining property to the east of the subject site (on 83 Booralie Road). No mature specimens of this plant were found on the subject site by the ecologists during the thorough searches that took place on the 8<sup>th</sup> February 2017. This plant is considered unlikely to occur on the subject site.

The site survey revealed low potential for threatened fauna listed under the EPBC Act to utilise the subject site. Only two EPBC Act listed threatened fauna were considered as having potential to occur on the subject site. They were:

- Grey-headed Flying-fox (*Pteropus poliocephalus*) – This species is listed as vulnerable. Ecologists consider that the subject site provides a small area of low quality, intermittently suitable foraging habitat for this species. No suitable roosting habitat occurs on the property or immediate surrounds.
- Southern Brown Bandicoot (*Isodon obesulus*) – This species is listed as Endangered. Ecologists consider that the subject site provides a small area (approximately 870m<sup>2</sup>) of low quality shelter and foraging habitat for this species. Potential habitat was restricted to the southern end of the property where shrubby, vegetation exists as part of a corridor.

An assessment of each known/potentially occurring NES will be undertaken under the *Matters of National Environmental Significance Significant impact guidelines 1.1*. This is required to assess any potential for impacts upon NES. In the unlikely event that a significant impact is confirmed a Referral to the Commonwealth may be required.

### 1.3 State Biodiversity Legislation

#### 1.3.1 Threatened Species Conservation Act 1995 (TSC Act)

A search utilising the online database NSW Wildlife Atlas (BioNet) was conducted on 3<sup>rd</sup> February 2017 to identify all threatened flora and fauna historically recorded within a 10 km<sup>2</sup> search area centred on the subject site. This data was used to assist in establishing the presence or likelihood of any such ecological values as occurring on or adjacent the subject site, and helped inform the ecologist on what to look for during the site assessment.

Results from the BioNet search tool revealed 23 threatened fauna species and 17 threatened flora species as having historically occurred within 10km<sup>2</sup> of the subject site.

A thorough assessment of the subject site was conducted by Narla Environmental ecologists on the 8<sup>th</sup> February 2017. The searches were targeted at identifying the presence and potential presence of habitat of any threatened flora or fauna listed under the TSC Act. The ecologists believe there is low potential for three species of threatened fauna listed under the TSC Act to utilise the subject site, including:

- Powerful Owl (*Ninox strenua*) - This species is listed as Vulnerable. Ecologists consider that the subject site only provides low quality, intermittently suitable roost and hunting

habitat for this species. No suitable nesting habitat occurs on the property or immediate surrounds.

- Grey-headed Flying-fox (*Pteropus poliocephalus*) - This species is listed as vulnerable. Ecologists consider that the subject site provides a small area of low quality, intermittently suitable foraging habitat for this species. No suitable roosting habitat occurs on the property or immediate surrounds.
- Southern Brown Bandicoot (*Isoodon obesulus*) - This species is listed as Endangered. Ecologists consider that the subject site provides a small area (approximately 870m<sup>2</sup>) of low quality shelter and foraging habitat for this species. Potential habitat was restricted to the southern end of the property where shrubby, vegetation exists as part of a corridor.

The potential occurrence of the threatened fauna listed under the TSC Act triggers the need for an Assessment of Significance under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assess impacts upon species listed under the TSC Act (7-part test). The 7-part test is to form a component of a Flora and Fauna Assessment report which is required under the Warringah LEP and DCP.

### **1.3.2 Fisheries Management Act 1994 (FM Act)**

The main objective of the *Fisheries Management Act 1994* is to preserve 'Key Fish Habitat'. The FM Act does not apply to the proposed development as Neverfail Gully is mapped as a first order stream which does not constitute 'Key Fish Habitat'.

### **1.3.3 Water Management Act 2000 (WM Act)**

The proposed development triggers the *Water Management Act 2000* as the proposed development is on 'Waterfront Land'. Neverfail Gully flows through the south-eastern corner of the property. Neverfail Gully is a small 1st order stream (as defined under the Strahler System). Under the WM Act a development on 'Waterfront Land' must not impact on the Vegetated Riparian Zone (VRZ) of a mapped stream. Under the WM Act a VRZ of 10 metres in width must be maintained on either side of the stream within the development property. The VRZ for the subject site will constitute a total Riparian Corridor width of 20m plus channel width, as outlined by the *Department of Primary Industries Guidelines for Riparian Corridors on Waterfront Land*.

The proposed development footprint is positioned entirely outside of the 20m VRZ on the subject site.

Since the proposed development is taking place on 'Waterfront Land' a Vegetation Management Plan (VMP) is required that will outline restoration and rehabilitation methods for the section of the property that contains the riparian corridor. Vegetation Management Plans must be carried out according to the *Department of Primary Industries Guidelines for Vegetation Management Plans on waterfront Land* (2012).

## 1.4 State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) were considered in relation to the proposed development, including:

- *SEPP 14 Coastal Wetlands* – This does not apply as there are no Coastal Wetlands on site or in close vicinity to the subject site.
- *SEPP 19 Bushland in Urban Areas* – There is remnant vegetation present on the subject site in an urban setting but does not adjoin a designated urban bushland reserve; therefore, this SEPP does not apply.
- *SEPP 26 Littoral Rainforest* – This does not apply as there are no mapped areas of Littoral Rainforest protected under SEPP 26 that occur within the subject site or in close vicinity.
- *SEPP 44 Koala Habitat Protection* – There are no schedule 2 feed trees on the subject site, therefore this SEPP does not apply.

## 1.5 Warringah Council Development Control Plan (DCP) and Local Environmental Plan 2011 (LEP)

### 1.5.1 E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

The potential occurrence of the threatened fauna listed in Section 1.3 triggers the requirement for a Flora and Fauna Assessment Report under the Warringah LEP and DCP.

Warringah guidelines for Flora and Fauna Assessment Report state that this report is required for any development works on a property which:

- Contains native vegetation; or
- Contains remnant native trees, or
- Is adjacent to native vegetation (e.g. National Parks, bushland reserves, wildlife corridors, or native vegetation on private property). Although a site may be cleared, survey work must still be undertaken to assess the sites capacity to act as a corridor or linkage for threatened species, or
- Contains sensitive environmental areas likely to contain important habitat resources for fauna (although these may not be vegetated) such as riparian areas, wetlands or swamps, rocky outcrops, woody debris, hollow bearing trees, caves, cliffs, and
- The proposal will directly or indirectly impact on these areas, vegetation or natural features of the site (eg rock outcrop, slopes), for example by clearing, soil disturbance, runoff, waste water disposal, artificial lighting and implementation of Bushfire Asset Protection Zones.

### 1.5.2 E4 Wildlife Corridors

The control 'E4 Wildlife Corridor' under the Warringah Council Development Control Plan applies to land identified as mapped Wildlife Corridors. As the subject site is not mapped under this layer the requirements of 'E4 Wildlife Corridors' are not triggered (**Figure 1**).



Figure 1. Mapped Wildlife Corridors (Warringah Council DCP). Subject site is indicated in red.

### 1.5.3 E5 Native Vegetation

The control 'E5 Native Vegetation' under the Warringah Council Development Control Plan applies to land identified as mapped Native Vegetation. As the subject site is not mapped under this layer the requirements of 'E5 Native Vegetation' are not triggered (**Figure 2**).



**Figure 2. Mapped Native Vegetation (Warringah Council DCP). Subject site is indicated in red.**



#### 1.5.4 E8 Waterways and Riparian Lands

The control 'E8 Waterways and Riparian Lands' under the Warringah Council Development Control Plan applies to land identified as waterway or riparian land as shown on the DCP Map 'Waterways and Riparian Lands' (**Figure 3**).

The objectives of the control include:

- Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.
- Encourage development to be located outside waterways and riparian land.
- Avoid impacts that will result in an adverse change in watercourse or riparian land condition.
- Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.
- Maintain and improve access, amenity and scenic quality of waterways and riparian lands.
- Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.

As a requirement of the control, a Waterway Impact Statement must be produced as the proposed development is situated on land that is mapped as Waterways and Riparian Lands (**Figure 3**).



Figure 3. Mapped Waterways and Riparian Lands (Warringah Council DCP). Subject site is indicated in red.



## 2. 83 Booralie Road, Terrey Hills.

A Flora and Fauna Assessment was conducted by Footprint Green Pty Ltd (2013a) for the subject site at 83 Booralie Road, Terrey Hills. The Flora and Fauna Assessment revealed the presence of the following within the subject site:

- One threatened flora species: Caley's Grevillea (*Grevillea caleyi*), which is currently listed as Critically Endangered under the TSC Act 1995 and Endangered under the EPBC Act 1999.
- One threatened fauna species: Grey-headed Flying-fox (*Pteropus poliocephalus*), which is currently listed as Vulnerable under the TSC Act 1995 and the EPBC Act 1999 (Footprint Green Pty Ltd 2013).
- One Endangered Ecological Community: Duffy's Forest which is an Endangered Ecological Community (EEC) listed under the TSC Act 1995.

A Biodiversity Management Plan (BMP) was produced by Footprint Green Pty Ltd (2013b, c). Part 1 of the BMP outlines the management of *Grevillea Caleyi* and Duffy's Forest within the subject site (2013b). Part 2 of the BMP was produced in accordance with the Water Management Act 2000 to outline the management of the watercourse and riparian zones of Neverfail Creek which intersects the southern half of the subject site (2013c).

**2. The Impact that the proposed development is likely to have on the uses that are likely to be the future uses of the land in the vicinity of the development.**

**2.1 83 & 85 Booralie Road, Terrey Hills.**

Future uses of the land in the vicinity of the proposed development are likely to reflect what is currently zoned in the Terrey Hills area, including Low Density Residential and Primary Production Small Lots. The main impact of the proposed development to the local vicinity is the reduction in availability of land suitable for 'rural purposes'.

The proposed development will increase the density of housing in the immediate vicinity, resulting in the area reflecting a moderate to high density residential area. This is likely to increase traffic demands in the area as well as increasing demands on essential infrastructure such as access to water and sewerage disposal.

The benefit of the proposal will outweigh the impacts since the proposal will significantly contribute to the housing demands from Sydney's ageing population.

**6. If the required development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003 – the impact that the proposed development is likely to have on the conservation and management of native vegetation (NB: This criteria does not apply to land in urban local government areas or urban zones listed under schedule 1 of the Native Vegetation Act 2003).**

**6.1 83 & 85 Booralie Road, Terrey Hills.**

The proposed development is situated in an urban Local Government Area (LGA), and is listed under Schedule 1 of the Native Vegetation Act 2003, therefore this act does not apply.

## References

Footprint Green Pty Ltd (2013a) Flora and Fauna Assessment for the proposed development: 83 Booralie Road, Terrey Hills.

Footprint Green Pty Ltd (2013b) Biodiversity Management Plan – 83 Booralie Road, Terrey Hills. Part 1 – Grevillea Caley and Duffy's Forest Management Plan

Footprint Green Pty Ltd (2013c) Biodiversity Management Plan – 83 Booralie Road, Terrey Hills. Part 2 – Riparian Vegetation Management Plan.