



Office of Environment & Heritage

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Our reference: ED14/583
Contact: Richard Bonner, 9995 6917

Ms Lee McCourt
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NSW Department of Planning & Environment
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Dear Ms McCourt

I refer to your email of 28 August 2014 seeking comments from the Office of Environment and Heritage (OEH) on a Seniors Living development proposal at Bayview Golf Course, Bayview.

OEH has reviewed the documents provided and provides the following comments in relation to biodiversity and floodplain risk management.

With regards to biodiversity, OEH recommends consideration of the following prior to the issuing of a Site Compatibility Certificate (SCC):

- The adequacy of assessment of the potential impacts of the proposal on the vulnerable Little Bentwing Bat (*Miniopterus australis*). The draft *Flora and Fauna Assessment (FFA) Waterbrook, Bayview, Footprint Green, 2014* contrarily indicates this species was recorded on site during field surveys yet the initial assessment to determine the likelihood of occurrence and potential for impacts found 'core breeding habitat is not present' and that 'it is unlikely to occur' (pp. 14, 23 and 37). The Little Bentwing Bat is known to breed in maternity roosts within the adjoining Warringah Council LGA. Given the known occurrence of the species in the local area, OEH recommends surveying surrounding culverts and pipes to determine if it is breeding and/or roosting. An additional assessment of significance of potential direct and indirect impacts should also be undertaken.
- The adequacy of surveys to determine the presence, extent and condition of Endangered Ecological Communities (EECs). Vegetation mapping available to OEH suggests the Swamp Sclerophyll Forest on Coastal Floodplain (SSF) EEC is likely to be present in several remnant patches across the golf course - this is disputed in the FFA (p. 15). In addition, the FFA suggests that while several canopy and understorey species associated with SSFEEC are present, SSFEEC was not recorded on site (pp.15, 22 & 41). OEH recommends additional biodiversity surveying, in accordance with the *Threatened Species Survey Guidelines, DECC, 2004*. If SSFEEC is identified, an additional assessment of significance will be required to determine potential direct and indirect impacts of the development.

- The adequacy of assessment of the potential impacts of the development on the threatened Magenta Lilly Pilly (*Syzygium paniculatum*). The FFA contrarily indicates the presence of two individuals and that it was not recorded on the site (pp. 10 and 22). No assessment of significance was undertaken despite the presence of habitat and 15 known records within 10km. OEH recommends an assessment of significant be undertaken to determine potential direct and indirect impacts.
- The impacts of the development on the identified wildlife corridor. The *Pittwater 21 Development Control Plan* indicates the development is within a wildlife corridor of 'high priority essential to fauna movement'. Wildlife corridors play a crucial role in maintaining connections between animal and plant populations that would otherwise be isolated and at greater risk of local extinction. OEH recommends additional consideration be given to the impacts of the development on the wildlife corridor and whether the measures proposed are sufficient to ameliorate these impacts.

With regard to floodplain risk management, the primary objective of the Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land and reduce private and public losses resulting from floods. The most appropriate method to assess the development of flood prone land is through the floodplain risk management process which is detailed in the NSW Government's *Floodplain Development Manual, 2005*.

OEH considers that as a pre-development flood assessment the *Pre-Development Flood Assessment: Waterbrook Bayview Seniors Living Facility, Martens & Associates Pty Ltd, August 2014* (PDFA) appropriately acknowledges the flood risk at the site and special flood level and evacuation requirements associated with seniors living developments. However, only Pittwater Council, in consultation with the SES, can determine if the proposed development complies with its planning controls especially in relation to the proposed shelter in place and evacuation to the north.

The PDFA states that to support the development application a Flood Risk Management Report (FRMR) will be prepared which will provide a detailed assessment of flood extent and impacts, flood risk and evacuation response. The engineering design component of the FTMR should also consider drainage and the overland flow path system within the proposed development to ensure public safety and to divert flow away from building and car park entrances.

Please contact Richard Bonner, Conservation Planning Officer, on 9995 6917 should you wish to discuss this advice.

Yours sincerely

S. Harrison 16/09/14

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