

SUBMISSION TO RANDWICK CITY COUNCIL

AMENDED DEVELOPMENT APPLICATION 11 JENNIFER STREET LITTLE BAY DA/101.2018

Lachlan Laurie, Senior Scientist, Accredited Assessor BAM 5th April 2019

I wish to strongly oppose the DA/101/2018 on the basis that the SIS, addendum SIS and supporting documents do not properly assess the likely impacts to the local occurrence of Eastern Suburbs Banksia Scrub, listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act (2016), and Endangered under the EPBC Act (1999).

I am an ecologist with over 15 years of experience in ecological impact assessment, specialising in vegetation communities and threatened flora species in the Sydney Basin. I am an Accredited Biobanking Assessor under the TSC Act and an Accredited Assessor under the BC Act. I am currently Senior Scientist for a large global engineering company, being the principal botanist for Australia's largest Solar Farm assessment, principal botanist for the Snowy Hydro feasibility study, as well as senior scientist for a major project in NSW that will generate the largest number of required offset credits in NSW history.

I find that Cumberland Ecology (CE) have not assessed the full impact in their SIS and addendum SIS because:

- CE are claiming that their VMP area is a mitigation area, rather than a likely impact. The legal framework and measures for how the VMP will be maintained for perpetuity are not properly accounted for. TEC is a very experienced ecological restoration leader and has the expertise to assert their assessment over CE.
- Total Earth Care (TEC) and the bushfire report both agree, correctly, that there is no requirement under (the then) section 79BA of the EP&A Act (now s4.14), to have an APZ as the land is not bushfire prone. The impact of the APZ clearing is not valid under any requirement to have an APZ and should be assessed as an impact of landscaping masquerading as a false requirement to protect assets and human life where there is no such identified threat. Proposals need to demonstrate 'avoid, minimise and offset' and this is clearly unnecessary and therefore does not 'avoid'.
- The claim that the ESBS on site would decline if it were not for the development is perverse and fallacious; the SIS is an impact assessment, and what CE claims as offsetting to improve the values of ESBS is not supported.
- The shading impacts to ESBS are dismissed by CE as irrelevant with no supporting evidence or ecological discussion. Further, the assessment needs to consider the whole combined impacts and cannot dismiss the separate impacts in isolation.
- The AoS for ESBS does not consider the viability of the local occurrence after the impacts through reduction in size, shape or resilience to stochastic factors. CE do not demonstrate that the study area is floristically or structurally equivalent to the rest of the local occurrence, and the data supplied does not make this apparent - it seems to me that rather, the study area is an important part of the local occurrence, a likely refuge and the loss of it will reduce viability of floristic components and likely reduce the local occurrence such that it will become extinct in the locality
- The AoS does not correctly assess or consider as relevant the area of the direct or indirect impacts including the VMP and shading impacts, and as such the area and nature of the impacts is not complete

- The VMP is considered by CE as a mitigating action but this is not supported by adequate detail, assurance of likely success, resource sourcing, compliance, or the legal parameters that it will be engaged under for perpetuity. The proposed edge effects are not adequately detailed or measured and indeed, the degree of edge effects as weeds would appear to be evident in the current weedy edge from the road and managed grassed area next to the subject site that are impacting the ESBS on site. Proposals need to demonstrate 'avoid, minimise and offset' and this is clearly unnecessary and therefore does not 'offset'.
- CE seem to forget that the SIS is an impact assessment and too often disqualify this area of CEEC as 'not important' and that 'this vegetation in its current condition holds little ecological value and is unlikely to be viable in the long-term', essentially victim blaming the subject site, and disqualifying the proposal's impact under the assumption that the CEEC will eventually become unviable anyway through neglect. They even suggest that the ESBS on site threatens the viability of the local occurrence, which is astonishing. That is not how impact assessments work. If an area of TEC is considered viable, impacts to that current environment are assessed. Notwithstanding, there is no capacity to predict the future land management of the subject site, even if that were a valid argument. In this case the nature, extent and combined outcomes of the impacts have been underestimated, dismissed or misinterpreted as a whole. That the AoS for ESBS as not significant is not supported.
- The SIS finds no significant impact for ESBS, even though the SIS and CERs were presumably issued as there was an assumed significant impact on ESBS. CE now argue that in fact there is no longer a significant impact on ESBS, despite no change to impacts. Further to, and separate to that, the proposed measures argued by CE as ameliorative measures (the VMP) are claimed adequate, along with compensation (again the VMP), to not find a significant impact. It should be noted that the CERs do not allow compensatory measures to be considered in the AoS. Additionally, ameliorative measures are those measures that minimise impacts, whereas the VMP merely proposes to improve values in the a part of the study area, not minimise the impacts of the proposal. The VMP is not supported as a likely document to improve values in the VMP area, and may indeed be an impact, but not withstanding, it is not an ameliorative measure that can be taken into account in the AoS, as it is not a supported minimisation measure. The inclusion of compensatory measures as described by CE in their conclusion is specifically denied by the CERs as a method to demonstrate no longer finding significance.

In conclusion, the CE AoS that finds that the proposal will not have a significant impact to ESBS is invalid on many levels and should be refused by Council.