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Failures in the proponent's final Preliminary Documentation

Our reading of the final Preliminary Documentation reveals serious deficiencies in their assessment of environmental impact and their treatment of public submissions. Specifically:

The proponent has not undertaken additional surveys. They have:

1. Failed to update and re-classify in accordance with the most recent plant community typing, with current approved survey techniques, in order to re-assess the vegetation against current Threatened Ecological Communities (TEC) as directed by Minister Ley (2020).
2. Failed to conduct a single extra survey for the Greater Glider since the Draft PD in 2021. This includes failing to undertake a survey of the 108 habitat boxes installed for fauna, none of which were suitable for Greater Gliders in any event.
3. Failed to undertake a single extra hour of survey for Grey-headed Flying-fox in the locality and did not at any stage inspect known local roost sites before or after the fires.
4. Failed to undertake an up to date inspection of the relevant local wildlife databases since the draft PD in 2021. This includes the NSW BioNet Atlas that they rely on so heavily for their assessment in the PD.

By omission, the proponent has not accurately described the current ecological status of the site. They have:

1. Failed to provide details on the population of Scrub Turpentine (Critically Endangered under EPBC and NSW BC Acts). This species has persisted onsite for at least the last 18 years. (Identified onsite in 2006). Elsewhere, this species has been decimated by Myrtle rust and is the subject of a recovery plan.
2. Failed to properly analyse remote camera photographs for threatened species, despite being criticised for this in previous submissions.
 - a. They lumped sightings as being "rodents" or "Dasyurids" of no significance, even though there are potentially both threatened mice and Dasyurids known from the areas.
3. Failed to describe the amount of food sources available to the Grey-headed Flying Fox (GHFF) on the subject land, by reducing important resources to only three tree species, though there are many more. They made no observations as to what the GHFF were feeding on, on the subject site, made no estimates of fruiting, flowering, or other food resources throughout the year, including during the late breeding season such as during the mother's lactation, when close food resources are vital for the survival of the next generation.
4. Did not estimate the amount of food source available post fires outside of the subject land by providing evidence via any new surveys of adjacent or nearby fire-affected bushland.
 - a. Without a quantifiable measurement of fire affected food sources outside the land, they cannot verify with any certainty the amount of canopy recovery in the surrounding areas to support the GHFF.
 - b. Instead, they undertook a "likelihood" assessment by desktop research only. This assessment downplays the impact of the development on any of the listed species and grossly underestimates the impact of the catastrophic 2019/20 bushfires within the locality.
5. Misidentified Plant Community Types (PCT) by not acknowledging NSW Environment Department's live Statewide Plant Community Mapping which is readily available to the public through the "Trees Near Me" application. On a quick inspection, this app highlights the presence of potentially two additional Endangered Ecological Communities (EEC) on site:
 - a. Bangalay Sand Forest (NSW BC Act listed); and

- b. A South Coast Temperate Gully Rainforest which may either conform to Milton Ulladulla Sub-tropical Rainforest or Littoral Rainforest protected under the EPBC and NSW BC Acts.¹ This north-eastern area has been on RFS Hazard Reduction burn plans as “sensitive rainforest - Do Not Burn” for at least the last 20 years.
- 6. Continued to map Lot 823 (adjacent to Sunset Strip) as cleared when it in fact exists as part of a Swamp Sclerophyll Forest on Coastal Floodplains, listed as an EEC under the NSW BC Act².
 - a. This forest on this land is intact and serves as an extension to the creek that runs north-south through the lots. The vegetation within Lot 823 is contiguous with that of Lot 179, it has an intact canopy mid story and groundcover.
 - b. Because it is incorrectly labelled as cleared land, no areas of this habitat have been included in any area calculations for any species population or TEC since the initial impact assessment in 2006. This lot may provide habitat and food source for all 3 referred species and/or other threatened species, which has not been accounted for.
- 7. Shockingly, have asserted that the clearing of more than 17 hectares of mixed and varied food sources for the Grey-headed Flying-fox (as well as the Swift Parrot) will be more than “offset” through the planting of a few street trees.
 - a. The PD has not provided evidence as to what GHFFs *do* forage on in this biodiverse forest, and omits evidence of all the other food species that will be destroyed by clearing.

The proponent has failed to address much of the substance of expert and community submissions in response to the preliminary documentation (PD). They have:

- 1. Failed to address the vast majority of criticisms made in the 51-page OMVI ecologist’s review of the initial PD.
 - a. These criticisms are numerous and include, for example, reference to the threat to the Southern Brown Bandicoot. This Endangered species (EPBC and NSW BC Acts) was asserted by the proponent’s ecologist to be locally extinct, however inspection of the NSW BioNet Atlas shows records from 2022 as close as Lake Conjola.
- 2. Failed to address many of the criticisms in the review by expert botanist Gary Leonard entitled “A review of flora aspects of studies by EcoPlanning 2019 and BES 2006”, including:
 - a. Neglecting to identify the PCT Bangalay Sand Forest (Endangered, NSW BC Act)
 - b. Not detailing the size or health of the critically endangered Scrub Turpentine population.
 - c. Not undertaking surveys for the threatened Leafless Tongue Orchid (Vulnerable under EPBC and NSW BC Acts) and instead asserting that it did not exist on site, even though there is a small population nearby and other other species of *Cryptostylis* exist on site.
- 3. Refuted expert advice by eminent Prof. David Lindenmayer regarding the quality of the subject land as habitat for the Greater Glider.
- 4. Downplayed threats of habitat loss for migrating Swift parrots, listed as Critically Endangered under the EPBC Act.
- 5. Failed to consider Climate Change effects on EPBC listed species observed onsite, or on other MNES. Climate change was a consistent theme of community submissions, which is understandable for a fire-traumatised community.

¹ This could be determined with adequate floristic surveys, which again were asked for by the Department several years ago.

² Lot 823, DP247285 was incorrectly mapped by BES as cleared land in 2006, and this has never been rectified.

6. Not considered the impact of the scale and intensity of the 2019/2020 fires on the recovery of the surrounding bushland.
- b. 95% of the surrounding Conjola National Park and all of the adjacent Crown Land were burnt in the fires.
 - c. This resulted in the loss of countless hollow-bearing trees, and large trees are still dying from the impact of fire.
 - d. Birdlife Shoalhaven reported in 2023 that the population numbers of birds in burnt areas is down compared with unburnt areas, suggesting that habitat in burnt areas has not recovered sufficiently after three years to support the same abundance of birds as in unburnt areas³.
 - e. A report by respected ecologist Garry Daly written for NSW National Parks and Wildlife revealed that arboreal mammals such as the Greater Glider and GHFF are in decline due to habitat fragmentation. He also reported evidence of ecosystem collapse over the eastern Australian landscape as a result of the 2019-20 wild fires.
 - f. Research by entomologist Dr Heloise Gibb reports that, post fires, the population of leaf litter invertebrates in burnt forest is one quarter of that in unburnt forest⁴ and that an estimated 60 billion died in the Black Summer fires. Invertebrates play a critical ecosystem role by cycling nutrients through the breakdown of leaves and other organic matter. Their loss inhibits the recovery of unburnt areas and makes them more susceptible to future fires.
 - g. These residual effects of the fires on surrounding bushland mean that the impact on threatened species by the loss of the ecology on the subject land could be far-reaching and may not support the objective of **No New Extinctions**.

³ <https://www.birdlifeshoalhaven.org/brpfinalreport.html>

⁴ <https://theconversation.com/more-than-60-billion-leaf-litter-invertebrates-died-in-the-black-summer-fires-heres-what-that-did-to-ecosystems-207032>