

Tulip Properties Pty Ltd

Attention: Sarah Hartley

C/- Barker Ryan Stewart Pty Ltd

Date: 14 December 2022

Via Email: sarah@brs.com.au

Our Ref: 3030

Dear Sarah,

Addendum to Ecological Assessment Report for 526 Louth Park Road, Louth Park, NSW.

As requested, AEP has prepared an addendum to *Ecological Assessment Report (EAR) for the Proposed Subdivision at 526 Louth Park Road, Louth Park NSW (AEP,2020)*, addressing the Ecological Request for Further Information (RFI):

- Conducting an assessment of the additional canopy trees proposed for removal;
- Reviewed BioNet records to update the potential listed species;
- Assessment of the additional species to be removed and any impacts this could have on listed species; and
- Update the 7-Part Test assessment.

AEP ecologists attended the site on 6th October 2022 to assess the amended quantity of native canopy cover to be removed, and to inspect for evidence of threatened species usage. The canopy vegetation consisted of *Eucalyptus umbra*, *Eucalyptus fibrosa*, *Eucalyptus gummifera* and *Corymbia maculata* with a revised total quantity of canopy area to be removed being 0.93ha (see **Figure 1**). Several trees identified for removal were recently felled which have been accounted for in canopy area calculations.

Figure 2 depicts survey effort.

Several trees showed signs of use with small, medium and large trunk scratch marks evident, which indicates use by Gliders, Possum and Lace Monitor activity. However, these species were not observed during the survey. There were no nests, foraging marks, tracks, scats present to suggest use by threatened species. Out of the nine (9) habitat trees identified in 2020, several large hollows were identified which may constitute suitable habitat for forest owls. At the time of field surveys, no whitewash or pellets were detected.

A desktop search of the threatened species database (BioNet) listed the additional threatened species records in the previous 20 years and within a 10km of the Subject Site, refer **Table 1**.

Table 1: Additional Threatened Species database search.

Scientific Name	Common Name	NSW status	Comm. status	Recent Records	Likelihood of Occurrence
<i>Galyptorhynchus lathamii</i>	Glossy Black-Cockatoo	V		2020	The species preferred foraging trees are Allocasuarinas were not identified within the Subject Site and the hollows did not show any evidence of nesting. Therefore, it has been determined that the species is unlikely to be impacted by the proposal.
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	V		2019	No stick nests were identified within the Subject Site and given the high mobility of the species; it has been determined that the species is unlikely to be impacted by the proposal.
<i>Ninox strenua</i>	Powerful Owl	V		2019	There was no evidence the species were utilising the Subject Site, however additional hollows within the Site may support nesting. Subject Species
<i>Tyto novaehollandiae</i>	Masked Owl	V		2019	There was no evidence the species were utilising the Subject Site, however additional hollows within the Site may support nesting. Subject Species
<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V		2021	The species was not detected within the Subject site during the surveys and given the species is highly mobile it has been determined that the species is unlikely to be impacted by the proposal.
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	2021	No roosts were determined during the site inspections and given the species is highly mobile it has been determined that the species is unlikely to be impacted by the proposal.
<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V		2019	There was no evidence the species were utilising the Subject Site, however additional hollows within the Site may support roosting. Subject Species
<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	V		2020	There was no evidence the species were utilising the Subject Site, and as the species prefers moist habitats it has been determined that the species is not likely to inhabit the Subject Site.
<i>Myotis macropus</i>	Southern Myotis	V		2021	There was no evidence the species were utilising the Subject Site, however additional hollows within the Site may support roosting. Subject Species
<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	V		2020	There was no evidence the species were utilising the Subject Site, however additional hollows within the Site may support roosting. Subject Species

Scientific Name	Common Name	NSW status	Comm. status	Recent Records	Likelihood of Occurrence
<i>Vespadelus troughtoni</i>	Eastern Cave Bat	V		2020	No Caves or karst are located within the Subject Site and given the species is highly mobile it has been determined that the species is unlikely to be impacted by the proposal.
<i>Miniopterus australis</i>	Little Bent-winged Bat	V		2021	No Caves or karst are located within the Subject Site and given the species is highly mobile it has been determined that the species is unlikely to be impacted by the proposal.
<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V		2021	No Caves or karst are located within the Subject Site and given the species is highly mobile it has been determined that the species is unlikely to be impacted by the proposal.
<i>Glossopsitta pusilla</i>	Little Lorikeet	V		2020	The species was not detected within the Subject site during the surveys and given the species is highly mobile it has been determined that the species is unlikely to be impacted by the proposal.

The 7- Part Test has been amended to reflect the assessment of the additional species detailed in the EAR, each part is addressed below detailing any likely changes to identified impact within the EAR.

- (a) ***in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction***

The development will now be removing four (4) hollow bearing trees (see **Figure 3**). This loss of habitat may have an impact on arboreal species, Forest Owls and Microbats, however with installation of nest boxes within the retained vegetation the impacts will be reduce and hence it has been determined that the proposal is not likely to place the species at risk of extinction.

- (b) ***in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction***

No evidence of threatened species was detected on site during recent site surveys. This loss of habitat may have an impact on arboreal species, Forest Owls and Microbats, however with installation of nest boxes within the retained vegetation the impacts will be reduce. It also noted that these species are highly mobile and will have the ability move to the nest boxes in the retained vegetation. Therefore, it has been determined that the proposal is not likely to have an adverse impact on the life cycles of the species.

- (c) ***in the case of an endangered ecological community, whether the action proposed:***
(i) ***is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or***
(ii) ***is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction***

The recent surveys did not identify EECs within the Subject Site.

- (d) ***in relation to the habitat of a threatened species or ecological community:***
(i) ***the extent to which habitat is likely to be removed or modified as a result of the action proposed, and***

The development will now be removing four (4) hollow bearing trees (see **Figure 3**). This loss of habitat may have an impact on arboreal species, Forest Owls and Microbats, however with installation of nest boxes within the retained vegetation the impacts will be reduce and hence it has been determined that the proposal is not likely to place the species at risk of extinction.

- (e) ***whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)***

No critical habitat has been identified within the Subject Site.

- (f) ***whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan***

No effective changes to this section of the EAR.

- (g) ***whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process***

No effective changes to this section of the EAR.

In conclusion, the revised clearing requirements are unlikely to have significant impact on the listed species due to their mobility and through mitigation measures such as the installation of nest boxes at ratio of 2:1 within the retained vegetation.

We thank you for the opportunity to be involved in this project. Should you require any further clarification on this matter, please contact the undersigned or Natalie Black (AEP Senior Environment Manager – 0431 249 360).

Regards,



Andrew Harker

Ecologist

Anderson Environment and Planning

Attachments

Council Letter – Request for Additional Information – 06/09/2022

Amended Tree Removal Plan

Figure 1 – Revised Canopy Area to be Removed

Figure 2 – Survey Effort

Figure 3 – Hollow-bearing Trees

Site Photos



Our Ref: (DA/2018/1967)

Phone Enquiries: 4934 9700
Thomas Howell

06/09/2022

Tulip Properties Pty Limited
252 Louth Park Road
LOUTH PARK NSW 2320

Dear Sarah

Re: Request for Additional Information
DA/2018/1967 - Torrens Title Subdivision - 23 Lots (including 1 Lot Drainage Reserve)
412/854995 - 526 Louth Park Road LOUTH PARK NSW 2320

Reference is made to Development Application DA/2018/1967 seeking consent for the above proposal. A detailed assessment has been undertaken and additional information is required to assess your application. This information request is issued pursuant to Clause 36, 43, 52 or 104 (as applicable) of the *Environmental Planning and Assessment Regulation 2021*, inclusive of public participation in the planning process.

1. Vegetation management

The application proposes to retain a proportionate number of canopy trees that form part of the remnant Lower Hunter Spotted Ironbark Forest. Whilst in theory the retention of trees is supported, several trees proposed for retention are sited within the proposed future building envelopes of several proposed allotments. These trees are likely to be impacted either through the direct removal or soil compaction and damage associated with building works. The submitted Ecological Assessment Report prepared by AEP dated September 2020 is required to be updated to reflect a recalculated impact area with reference to the most recent subdivision plan (*Plan No.: 180093-01-121 prepared by Barker Ryan Stewart dated 02/08/2022*). If the recalculated tree impacts results in any impact to threatened species, an Environmental Impact Assessment (EIS) is to be submitted and concurrence from the Biodiversity Conservation Division (Department of Planning & Environment "DP&E") issued as prescribed by the *Threatened Species Act 1995*.

In the instance that documentation is provided demonstrating the proposed development can safely retain trees within certain allotments, a restriction on the title (either via a positive covenant or building envelope) of these allotments is required to restrict development where building works may impact trees proposed for retention. An amended subdivision plan is to be submitted nominating specific building envelopes to support the tree retention. Proposed allotments of concern include Lots 5, 8, 9, 10, 14, 22, 20. Building envelope plans will not be required for all proposed allotments within the subdivision.

The tree removal plan is also required to be updated to notate the trees identified within the submitted *Ecological Assessment Report* as being hollow-bearing.

285 - 287 High Street
Maitland NSW 2320

t 02 4934 9700
f 02 4933 3209

info@maitland.nsw.gov.au
maitland.nsw.gov.au

All correspondence should be directed to: General Manager P.O. Box 220 Maitland NSW 2320

2. Landscape plan

Please provide an updated comprehensive landscape plan in accordance with the provisions of DCP 2011 Chapter F.10 Louth Park Urban Release Area Plan.

3. Formal Notice of Requirements – Hunter Water Corporation

Please provide an updated Formal Notice of Requirements (“FNOR”) from Hunter Water Corporation. The FNOR dated 18 December 2018 specifically excludes the requirement of reticulated sewer connection. As previously communicated, Council strictly will not support an on-site effluent strategy for this proposal. Please ensure the FNOR includes requirements for connection to Hunter Water’s sewer network.

4. Satisfactory Arrangements for designated State public infrastructure

The NSW DP&E Secretary’s Certificate endorsing DA/2018/1967 dated 18 February 2021 references the development application description as “Subdivision to create 26 residential lots” which is inconsistent with the most recent subdivision yield (24 lots). Please advise if you intend to go back to the Department to amend this certificate.

Timeframe for the Provision of Additional Information

It is requested that the information outlined above be provided to Council no later than **21 days from date of issue or by 27 September 2022** to enable timely assessment of the application. If a response cannot be provided by this time, it is suggested that the application be withdrawn for a partial refund of fees, and re-lodged once all of the requested information can be provided in a complete package.

You are advised that 1,385 days have elapsed in the assessment process. The assessment period ceases to run during the period between the request for additional information and the day on which additional information is provided or notification provided that additional information will not be submitted.

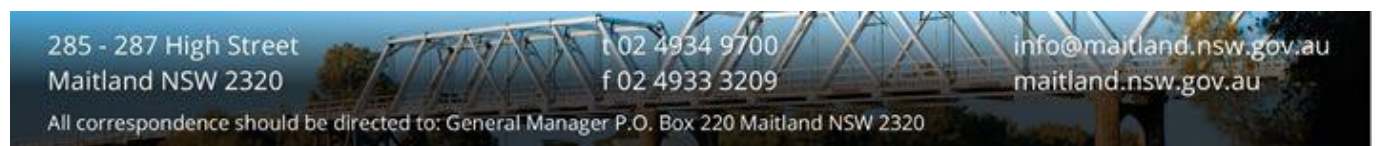
Should additional information be provided, the assessment of the application will be ongoing and further information may be required at a later stage.

What to do

- Provide Council with the requested additional information within 21 days; or
- Request an extension of time to provide this information by liaising with the assessing officer; or
- Send a written request via the NSW Planning Portal that the application be determined based on the information already provided, understanding it may be recommended for refusal; or
- Withdraw your application and request a partial refund of applicable fees in accordance with Council’s Fees and Charges Policy.

How to provide additional information

You must upload the additional information through the NSW Planning Portal. A guide on providing additional information is available on the NSW Planning Portal website here: <https://pp.planningportal.nsw.gov.au/applicant->



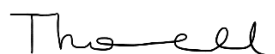
[resources](#). Please do not email additional information directly to Council that has been lodged via the NSW Planning Portal.

Once the requested information has been received, the assessing officer will continue to assess your application. You can track the application's status via Council's Application Tracker.

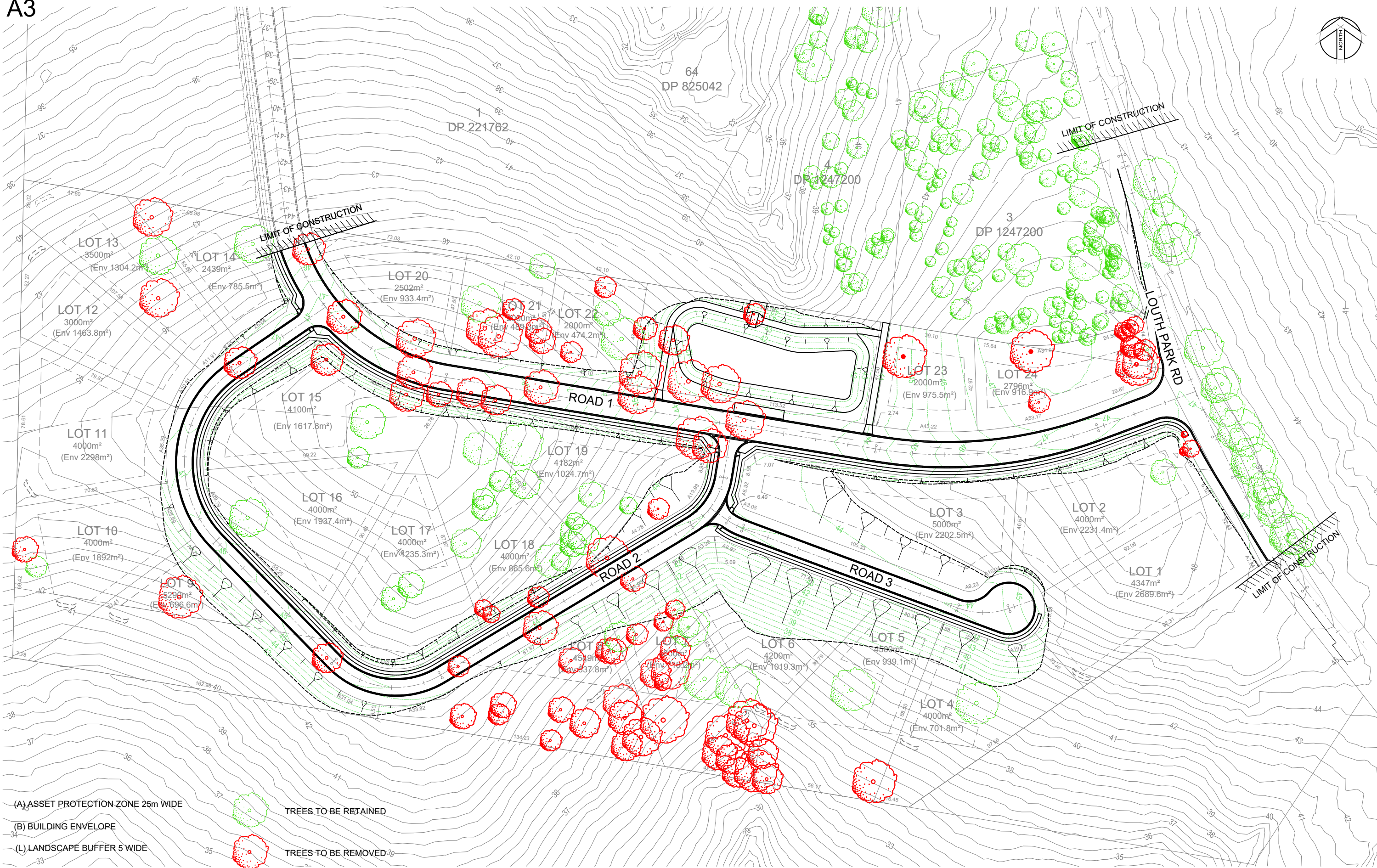
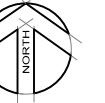
Any information received in support of your application may be publicly available on Application Tracker. Third parties may also access any information under the Government Information (Public Access) Act 2009. Council may also reproduce information in Council reports or in Court proceedings.

If you have any enquiries, or if you require assistance in relation to the application, please contact Council's Planning Environment Department, quoting reference number DA/2018/1967.

Yours sincerely



Thomas Howell
Senior Development Planner



(A) ASSET PROTECTION ZONE 25m WIDE

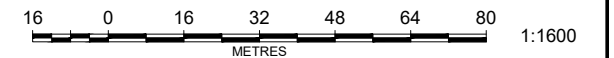
(B) BUILDING ENVELOPE

(L) LANDSCAPE BUFFER 5 WIDE

TREES TO BE RETAINED

TREES TO BE REMOVED

PLAN
SCALE 1:1600



REV	AMENDMENT	ISSUED	DATE
A	COUNCIL DA COMMENTS	AS	29/04/2022
B	MINOR UPDATES	AS	06/05/2022
C	COUNCIL DA COMMENTS 20.06.22	JT	02/08/2022
D	UPDATED TREE REMOVAL PLANS	JT	30/09/2022
E	COUNCIL DA COMMENTS	JT	30/11/2022



SYDNEY P. 02 9659 0005
CENTRAL COAST P. 02 4325 5255
HUNTER P. 02 4966 8388
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AS/NZS 25:134 067 842

Client:
TULIP PROPERTIES PTY LTD

526 LOUTH PARK ROAD
LOUTH PARK

TREE REMOVAL PLAN

Designed: AS
Drawn: RG
Checked: AS

Scales: Plan 1:1600
Horiz. -
Vert. -
X-Sect. -

Datum: A.H.D.

Plan No.
180093-01-121





File Ref.
180093

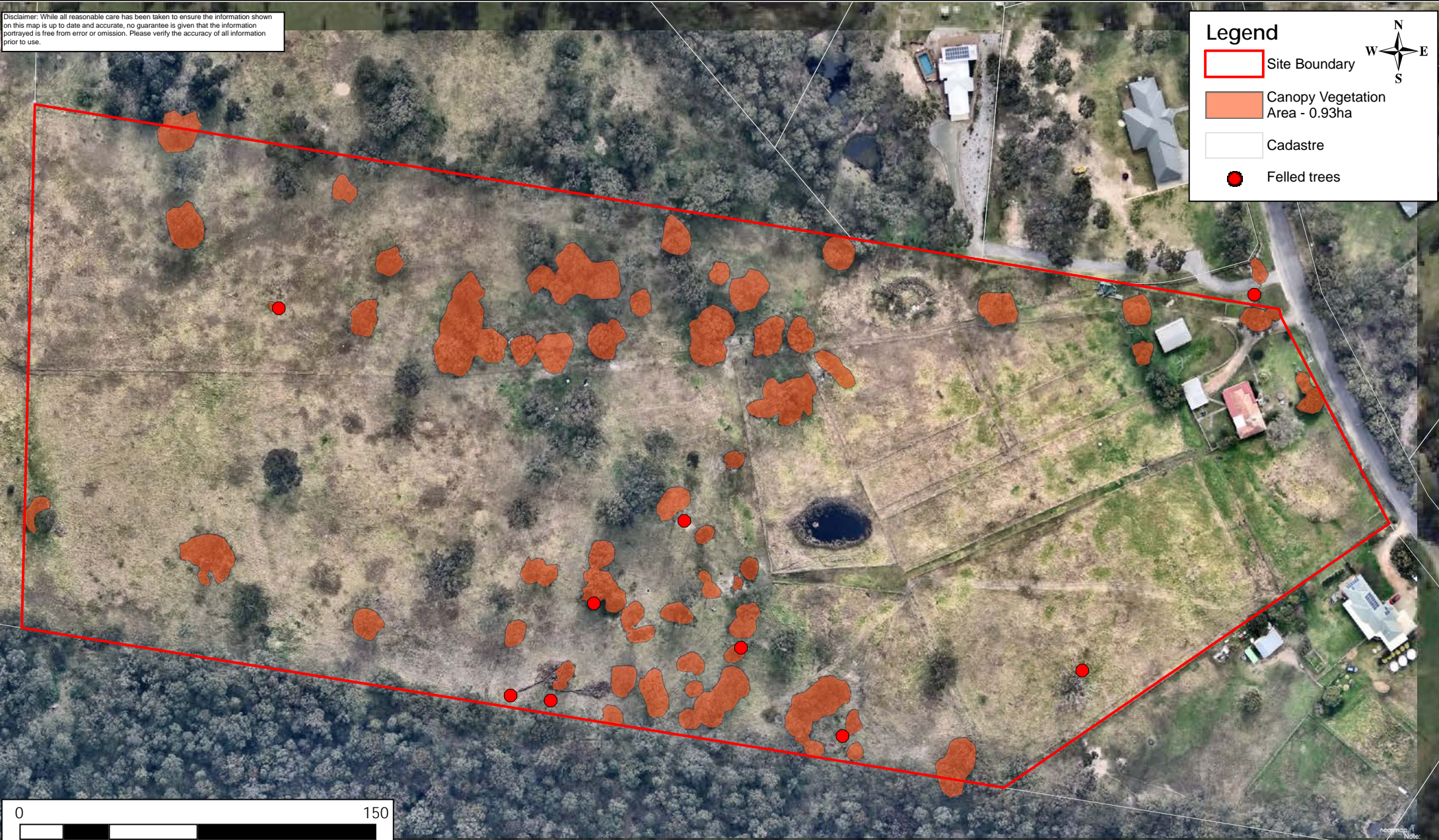

REV.

E

Disclaimer: While all reasonable care has been taken to ensure the information shown on this map is up to date and accurate, no guarantee is given that the information portrayed is free from error or omission. Please verify the accuracy of all information prior to use.

Legend

-  Site Boundary
-  Canopy Vegetation Area - 0.93ha
-  Cadastre
-  Felled trees



Note:
1. Boundaries are not survey accurate
2. Do not scale off this plan





Figure 1 - Revised Canopy Area to be Removed Date: Dec 2022

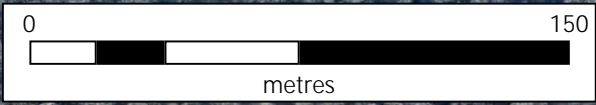
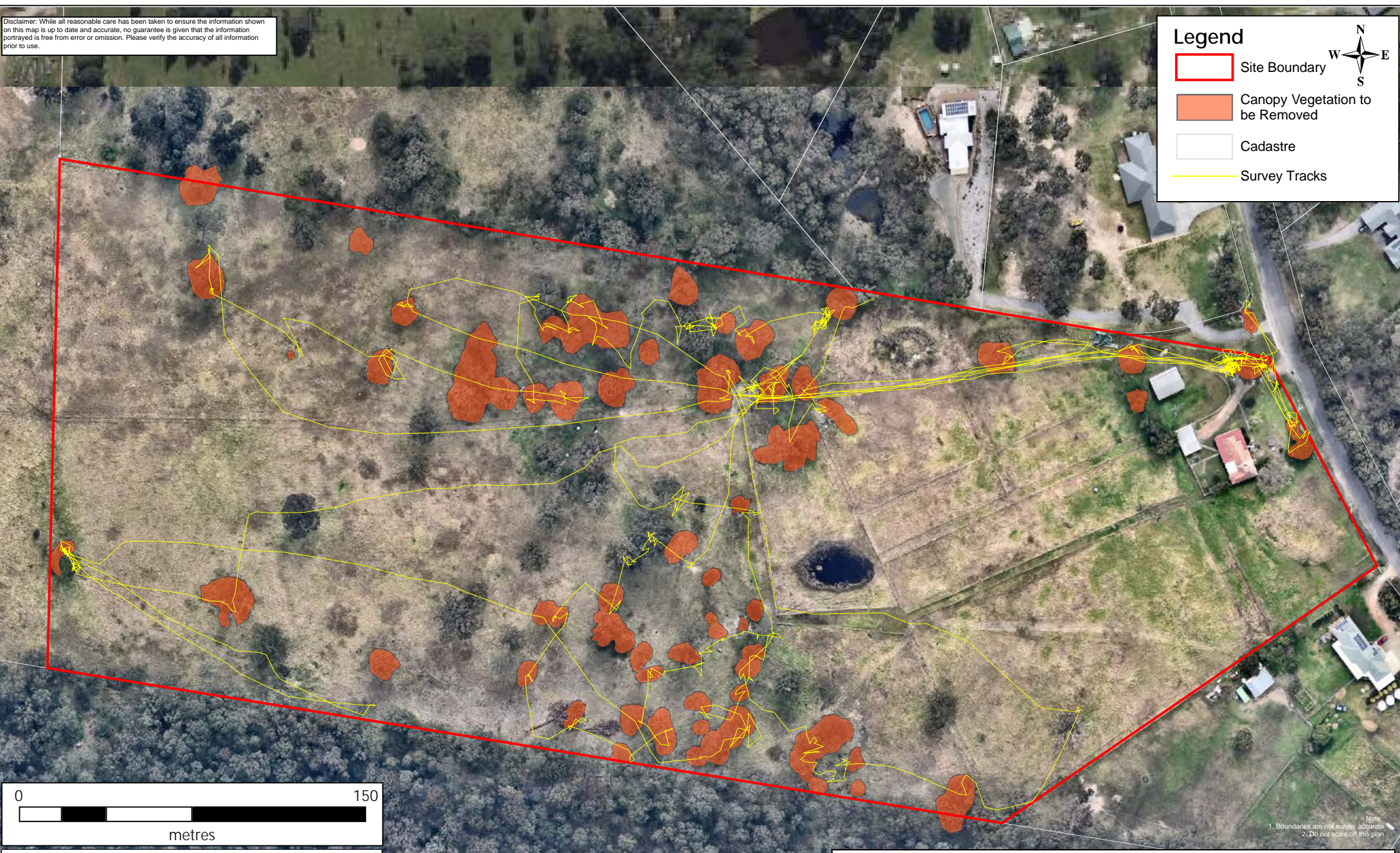

Location: 526 Louth Park Road, Louth Park, NSW

Client: Tulip Properties Pty Ltd AEP Ref: 3030

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Legend

-  Site Boundary
-  Canopy Vegetation to be Removed
-  Cadastre
-  Survey Tracks




Note:
1. Boundaries are not survey accurate
2. Do not scale off this plan

Figure 2 - Survey Effort Date: Dec 2022






Location: 526 Louth Park Road, Louth Park, NSW

Client: Tulip Properties Pty Ltd AEP Ref: 3030



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Legend

-  Site Boundary
-  Canopy Vegetation Area - 0.93ha
-  Cadastre
-  Removed HBT
-  Retained HBT

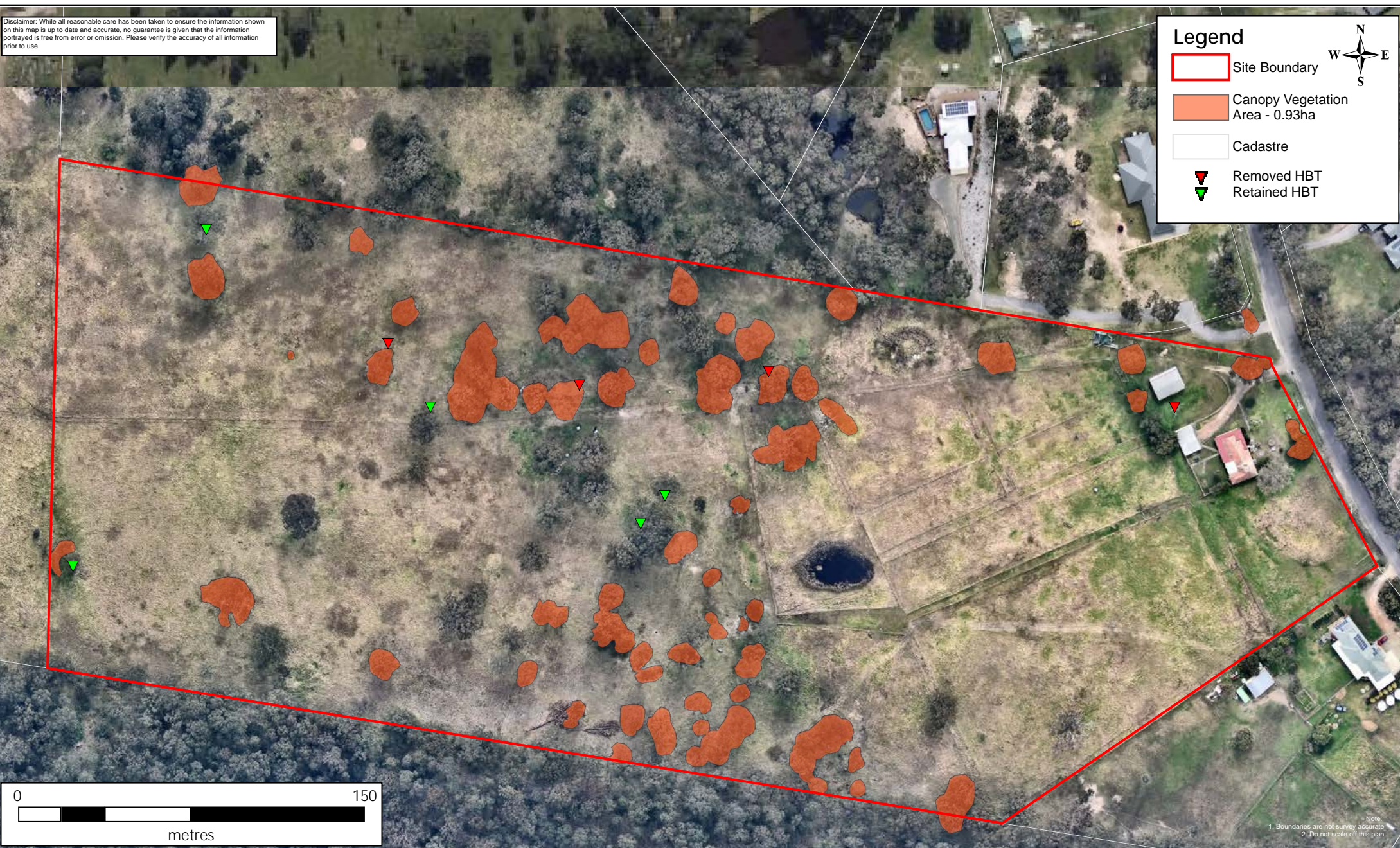




Figure 3 - Hollow-bearing Trees Date: Dec 2022

Location: 526 Louth Park Road, Louth Park, NSW

Client: Tulip Properties Pty Ltd AEP Ref: 3030



Note:
1. Boundaries are not survey accurate
2. Do not scale off this plan

Site Photos



Above: Showing two (2) large (15-20cm) hollows in a *Corymbia maculata*. Below: Showing a large stage branch hollow in a *Corymbia maculata*.

