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BirdLife Shoalhaven is a branch of BirdLife Australia Limited ABN 75 149 124 774

Shoalhaven City Council
36 Bridge Road
Nowra NSW 2541

20 February 2022

Dear Sir/Madam,

Submission re. DA22/1044 – Murstone Pty Limited - reference: Lot 1 DP1041096 - 24.32 ha - The Wool Road St Georges Basin - Funeral House, Crematoria & Associated Facilities

Birdlife Australia (BLA) is Australia’s largest bird conservation organisation with over 200,000 members and supporters. For over a century its members have protected birds and their habitats through practical conservation and advocacy based on the best available science. BirdLife Shoalhaven (BLS) is a branch of BLA, which itself has 1,000 members and supporters. Our charter is to help our members and the wider community enjoy and learn more about birds and to advocate for the conservation of birdlife across the Shoalhaven.

This submission acknowledges that the Development Application involves the country of the Wandj Wandian people.

BLS has considered the matters arising from DA22/1044, in relation to bird species and their conservation.

1. RECOMMENDATION

BLS recommends that consent of the DA should be denied.

BLS considers the primary data and information is inadequate for the assessment of the impacts of the DA and does not meet the standard required for consent.

BLS does not believe that DA reports can in any way support a notion that the impact of the development can be managed to minimise impact, nor managed to mitigate impact.

2. ADEQUACY OF DA INFORMATION

2.1.1. The DA Biodiversity Report 4.2.3 comments that:

“The aim of the (bird) survey was to record as many species as possible within the timing and budgetary constraints of the project. A definitive list is not considered possible (i.e. multiple seasons over longer periods) however the survey carried out is suitable to accurately define the vegetation communities and condition and threatened flora and fauna presence or likelihood.”

2.1.2. BLS takes this to be a clear admission of inadequate research and information. This ignores the comprehensive data available in the Atlas of Living Australia (ALA), and BLA's Birddata and Department of Planning and Environment's (DPE) NSW BioNet databases. BLS has a comprehensive list of threatened species recorded in the Shoalhaven. Clearly, if the DA's basic bird species list is limited, so will be the threatened species list.

2.1.3. The DA Biodiversity Report section 41.1. notes that 39 birds were recorded. This is a serious underestimation of the bird species profile for the site and cannot be regarded as providing an adequate contribution to assessment of environmental impact.

2.1.4. This means that there is no basis for contending that the impact of the development on birds can be managed to minimise or mitigate those impacts.

2.1.5. The ALA indicates 80 bird species within a 1 km radius of 5B Chessel Road and 246 species within a 5km radius of the same address. BLA's Birddata lists 107 species in the immediate St Georges Basin area. Three recent surveys by BLS members in a 500m range of the DA site recorded 23 species. This indicates a high avian species diversity, but it must be noted that these are only the sightings that have been recorded and a thorough records search can only give an indication of the seasonal migrations and populations, which are a critical part of the bird species profile. The DA did not deal with this aspect of avian diversity.

2.2 THREATENED SPECIES

The following comparison clearly indicates, that the basic data and information of the DA Reports are inadequate and do not support any case to minimise or mitigate impact on birds.

2.2.1. The DA section notes on page 45 that:

"A total of 30 birds were recorded throughout the survey period. Three threatened species were recorded during the surveys:

- *Little Lorikeet (Parvipsitta pusilla).*
- *Square-tailed Kite (Lophoictinia isura).*
- *Gang-gang Cockatoo (Callocephalon fimbriatum).*

Numerous habitat bearing trees were recorded with hollows large enough to provide potential breeding habitat for the below listed species credit species:

- *Gang-gang Cockatoo (Callocephalon fimbriatum).*
- *Glossy Black-Cockatoo (Calyptorhynchus lathami).*
- *Powerful Owl (Ninox strenua).*
- *Masked Owl (Tyto novaehollandiae)."*

2.2.2. BLS offers the following information on species listed as threatened in NSW:

The following five threatened species are recorded in the ALA within a 1km radius of the DA site:

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|---|------------|
| • Powerful Owl (<i>Ninox (Rhabdoglaux) strenua</i>) | Vulnerable |
| • Little Lorikeet (<i>Parvipsitta pusilla</i>) | Vulnerable |
| • Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>) | Vulnerable |
| • White-bellied Sea-eagle (<i>Haliaeetus leucogaster</i>) | Vulnerable |
| • Square-tailed Kite (<i>Lophoictinia isura</i>) | Vulnerable |

In additions to these recordings in ALA, the Glossy Black Cockatoo, listed as Endangered in NSW, was also observed within 1km of the DA site.

In addition to the above, a further nine species are recorded in the ALA within a 5km radius:

- | | |
|--|--|
| • Swift Parrot (<i>Lathamus discolor</i>) | Endangered in NSW, also Critically Endangered under Cth. legislation |
| • Glossy Black Cockatoo (<i>Calyptorhynchus lathami</i>) | Endangered |

• Eastern Osprey (<i>Pandion cristatus</i>)	Vulnerable
• Varied Sittella (<i>Daphoenositta chrysoptera</i>)	Vulnerable
• Dusky Woodswallow (<i>Artamus cyanopterus</i>)	Vulnerable
• Wedge-tailed Eagle (<i>Aquila audax</i>)	Vulnerable
• Little Eagle (<i>Hieraaetus morphnoides</i>)	Vulnerable
• Black Bittern (<i>Ixobrychus flavicollis</i>)	Vulnerable
• Spotted Harrier (<i>Circus assimilis</i>)	Vulnerable

2.2.3. Of the nine species in the 5km radius area, there are a number that can be expected to be seen in the 1km radius area, but have either not been seen in the forest habitat, or have been seen and not recorded in surveys, which is not unusual. The nature of the prior tenure of the DA Lot and the consistent involvement of experienced birdwatchers would suggest this would be very much the case.

2.2.4. The record of the migratory Swift Parrot, listed as Critically Endangered under Commonwealth legislation and an Endangered species in NSW, is of special conservation interest, as is the presence of the Glossy Black Cockatoo, which is the subject of specific conservation action supported by funding under DPE's 'Save Our Species' program.

2.2.5. The DA Biodiversity Report section 4.1.1 deals with the Offset Credit species of which 34 potential species of fauna are listed, with 16 related to suitable site habitat. Only four of these are bird species and this is considered an under-calculation of the extent and presence of threatened species, as detailed above. This also reduces the substantial Offset Credit commitment required of the proponent.

2.2.6. It is also clear further systematic bird surveys across seasons are required over at least three to five years to revise and confirm the avian populations of the DA site and adjacent lands.

3. SITE STATUS

3.1. The Biodiversity Report states:

"The proposal was deliberately sited away from areas of ecological importance including riparian zones and dense vulnerable vegetation, feed trees and habitat bearing trees where possible."

This statement is flawed and simply ignores the fact that the entire site, including the proposed build footprint, is of ecological importance, as indicated by the fact that SLEP 2014 embraces the entire area in a Biodiversity Overlay and most of it in a Significant Vegetation overlay. It also contradicts the report statement that 125 hollow bearing trees will be lost in clearing.

3.2. The statement also alludes to destruction of areas of ecological importance, as these areas will only be avoided "*where possible*". That is entirely unacceptable, as it is a statement that is intended to support consent associated with managed or mitigated impact.

3.3. The DA Reports essentially ignore the vital east-west, coast to escarpment Habitat Corridor values for bird species and the migratory nature of many species. This corridor is acknowledged in the Biodiversity Habitat Corridor and Significant Vegetation Overlays of SLEP 2014 and has been provided in other submissions.

4. NEST BOXES

4.1. The DA provides for nest boxes

“that are to be installed on a one for one basis for any natural hollow or habitat feature equivalent removed by the development. This aims to compensate for the removal of the HBTs. A Nest Box Management Plan should be prepared prior to the release of a Construction Certificate. This will detail the number and type of nest boxes required along with the monitoring and maintenance schedules for each nest box.”

4.2. There is no nest box plan in place, yet the proponent expects consent, which is unacceptable.

4.3. Field inspections noted that many trees, particularly the Scribbly Gum, *Euc. sclerophylla*, had multiple hollows, often of varying size and suitable for a number of different bird species. This would indicate a considerable number of nest boxes would be required, as 125 trees removed in the DA footprint may involve 250 – 400 or more hollows. The DA Report does not factor this into its nest box calculations.

4.4. Nest boxes, in cases such as this development, are only a compensatory system designed to alleviate impact and damage to bird and other fauna species, which are regarded as certain to occur. In many respects this is a cosmetic strategy. The installation and maintenance of nest boxes is problematic and in the longer term they do not provide satisfactory compensations in natural terms. It is known from field observations and studies that, providing a nest box with particular species in mind, is no guarantee that they will occupy and use that box. Nest boxes have a life span which is considerably shorter than the hollow bearing trees they replace, which usually age in the 100s of years, if they survive fire. The boxes are often not subject to proper maintenance and renewal. On this basis nest boxes are a very temporary fix. Regular inspection of the condition of nest boxes and presence of pest animals is essential, but probably unlikely to occur due to the cost involved.

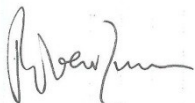
5. BUSHFIRE REFUGIA

The DA site is part of an important post-bushfire ‘refugia’ in the Shoalhaven. The significance of the area’s bird species diversity and records of threatened species makes the DA site important as an unburnt, refuge site in the recovery period after the 2019-2020 bushfires. This is especially the case given the fire impact zone in the west of the habitat corridor in the vicinity of Jerrawangala, which was badly affected by the fires.

This submission is based on research and field work carried out by Chris Grounds, BLS member and former BLS Conservation Officer.

If you have any further queries in regard to this submission, please direct them to Rob Dunn by email or phone as detailed below.

Yours sincerely



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