NSW Bird Atlassers Inc

A group monitoring birds in New South Wales

Postal Address: PO Box 129 Woodburn NSW 2472
Website: www.nswbirdatlassers.com

Major Projects
Department of Planning
NSW Government
SYDNEY NSW 2000

12 October, 2012

Attention: Belinda Scott
belinda.scott@planning.nsw.gov.au

Re: **Macquarie River to Orange Pipeline Project. Ref No: 10_0235**

Dear Belinda Scott

I am writing to you on behalf of the New South Wales Bird Atlassers. Thank you for the opportunity to comment on the proposed Macquarie River to Orange Pipeline Project.

New South Bird Atlassers is a group of bird enthusiasts and ornithological experts whose purpose is to assist in the conservation, protection and environmental management of birds in NSW and ACT by mapping and monitoring the distribution and preferred habitat of each bird. These records are available on database and can be, and are, used for purposes of protecting and conserving habitat for the maintenance of sustainable avifauna populations.

Our submission is mainly concerned with

1. the loss of hollow-bearing trees;
2. their impact on threatened bird species and other hollow-dependent fauna - birds, bats, gliders and possums - in the affected area; and
3. clearing of native vegetation,

are all listed as a Key Threatening Process under Schedule 3 of the TSC Act (NSW Scientific Committee 2001).

The loss of hollow-bearing trees has been classified by the Scientifice Committee as a Key Threatening Process (Schedule 3 of the Threatened Species Act, Scientific Committee 2007b). Threatened bird species identified as occurring in the Environmental Assessment are Brown Treecreeper, Diamond Firetail, Barking Owl, Powerful Owl and Superb Parrot. Threatened bats that are likely to, and do, occur are Eastern False Pipistrelle (*Falsistrellus tasmaniensis*), Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis,* Southern Myotis (*Myotis macropus*) and Greater Long-eared Bat (*Nyctophilus timoriensis*).

The large mature Eucalypts within the Box Gum Woodland and open woodlands of the study area support many different sized hollows which may be used by a range of fauna species requiring hollows in which to breed and shelter. Some of the hollow dwelling fauna recorded during the surveys include: Lace Monitor *Varanus varius*, Greater Glider

Psephotus haematonotus and Redrumped Parrot *Psephotus haematonotus*. Threatened species that may utilise these tree hollows include Little Lorikeet *Glossopsitta pusilla*, Turquoise Parrot *Neophema pulchella*, Superb Parrot *Polytelis swainsonii*, Powerful Owl *Ninox strenua*, Eastern False Pipistrelle *Falsistrellus tasmaniensis* and Greater Long-eared Bat *Nyctophilus timoriensis*. These mature trees also provide feeding resources for a range of species in the form of fruits, blossoms and exudates, including abundant mistletoe. Accumulations of fallen tree branches provide potential shelter and denning opportunities for the Spotted-tailed Quoll. These woodland habitats are considered to be in good condition. In general the fauna habitat within the study area is considered to range from poor to good condition, providing a range of foraging and breeding resources for a variety of species as well as habitat connectivity.

The EA gives the following assessments of the impacts on threatened birds:

Brown Treecreeper
Species occurs in woodland habitats rich with fallen debris and leaf litter in which to forage. This species requires tree hollows in which to breed. Breeding resources and foraging habitats were identified hroughout the woodland habitats throughout the study area. The Brown Treecreeper was recorded within the study area during the field surveys undertaken during summer 2011. As this species is known to utilise habitats within the study area a Part 3A Assessment of Significance is required (appendix 3).

Diamond Firetail
Species occupies woodlands including Blakely's Red Gum, Box Gum and River Oak riparian vegetation found within the study area. A pair of Diamond Firetails was observed nesting at Oaky Lane within the study area during the field surveys during summer 2012 and another individual was detected at near Macquarie River during autumn 2012. Given species is known to utilise breeding and foraging resources within the study area and was detected on site, a Part 3A Assessment has been prepared (appendix 3). The intact woodland and riparian vegetation surrounding the creekline provides habitat for a range of fauna species both threatened and common. A pair of threatened Diamond Firetail was observed nesting during the field surveys, in proximity to the Oaky Creek crossing on Oaky Lane within a small eucalypt sapling.

Scarlet Robin
Species may forage for small insects within the open grassy woodland of the study area, perching on low stumps, fence posts, logs and on the ground. Species builds cup-shaped nests in trees usually more than 2 m above ground; nests often located within a dead tree or dead branch of a live tree. Due to the proposed loss of dead trees and dead wood (a key threatening process) that provide potential breeding resources for the Scarlet Robin, a Part 3AAssessment has been prepared (appendix 3). Further, the Office of Environment and Heritage recommends that at least 5 x the number of paddock habitat trees to be lost be offset with equivalent trees (see section 6.0 for mitigation and offset options).

Superb Parrot
Species require tree hollows in which to breed and forages in open woodland habitats including Blakely's Red Gum and Box Gum communities. Numerous records of this species occur around the Orange township at the southern extent of the study area. Given the proximity of records of this species and that the project would remove limiting breeding resources in the form of up to 250 hollow bearing trees, a Part 3A Assessment has been

prepared for theSuperb Parrot (appendix 3). Despite the application of mitigation measures and a series of decisions and actions to avoid impacts during the planning, detailed design, construction and operation phases there will be unavoidable residual impacts of the project on box gum woodland and the Superb Parrot.

Barking Owl
Barking Owl requires large tree hollows to breed.

Powerful Owl
A Powerful Owl was recorded (heard) during the December 2011 field surveys; its position estimated to occur in close proximity to the study area. This species requires large tree hollows in which to breed and forages predominantly on arboreal mammals which are also dependent on tree hollows in which to breed and shelter. Given that the species was confirmed to be utilising resources within the vicinity of the study area and that the project would be removing up to 250 hollow-bearing trees, a Part 3A Assessment has been prepared (appendix 3).

Spotted - tailed Quoll
Species occupies large home ranges and use multiple dens sites. Four records of Spotted-tailed Quoll occur within 10 km of the study area (including within the study area along Ophir Road). Many records occur beyond this radius particularly to the east. The study area provides potential foraging and breeding resources in the form of tree hollows, rocky outcrops and hollow logs which may be impacted by the project. Given the abundance and proximity of records and potential habitat within the study area, a Part 3A Assessment has been prepared for this species (appendix 3).

Biosis Research field surveys identified approximately 250 hollow-bearing trees within the study area, of which a large proportion contain several hollows. The hollow-bearing trees within the study area include a suite of hollow types, sizes, heights and aspects, providing potential habitat for a wide range of hollow dwelling fauna. A proportion of these hollow-bearing trees would be removed by the project.

Regarding the **Maintenance of Biodiversity Values** due to loss of native vegetation, Section 7.1.3 concludes:

Given that 92.65 ha of predominantly native vegetation, including three threatened ecologicalcommunities and potential habitat for threatened species, would be impacted by the project (including 21.60 ha subject to direct, permanent impacts, 53.45 ha subject to direct, temporary impacts and 17.60 ha subject to indirect impacts), some biodiversity values of the locality would be lost (Table 10). Easement requirements will have a lasting impact on all areas where vegetation is lost, even 'though the quantum of vegetation removal is expected to be relatively low.' Due to the highly cleared nature of most of the study site, the amount of vegetation targeted to be cleared will be high in this context, vegetation we can ill afford to lose.

We believe there is a strong case to refuse this application by Orange City Council which has been shown clearly in the Environmental Assessment, and which cannot be adequately addressed by offsets or mitigation measures for potential impacts. As the EA then says the most effective mitigation measure is to avoid potential impacts in the first place.

Yours sincerely

Jane Paul

Conservation Officer
NSW Bird Atlassers

janepaul@netwit.net.au