

# **Powerful Owl Submission to the Sydney North Planning Panel**

**6 May 2020**

I am Robin Buchanan, representing the Powerful Owl Coalition; a coalition of six conservation groups in northern Sydney and Birdlife Australia. Thank you for the opportunity to speak.

Our submission opposes the reshaping and vegetation clearance of the northern spoil mound within 100m of the Powerful Owl nesting tree.

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The Report to the Sydney North Planning Panel is misleading. On page 46 it states that a [nesting] tree is adjacent to the area in which works are proposed, but it is outside the works area”.

The report fails to say that the nesting tree is only approximately 10 m from the bulk earth works and the proposed works will make the nesting hollow unusable, both during works and for years after works are completed due to vegetation clearance.

We object to works on the face of the northern spoil slope that will completely remove vegetation within 100 m of the nest tree.

We strongly object to fill being pushed into the low point behind the north spoil mound for two reasons. Firstly, it is too close to the nesting tree. Secondly, Powerful Owls rely on this low point to provide shelter and protection necessary for breeding and roosting. Cross sections near the breeding site show the spoil mound rising approximately 10 m above the hollow but the design surface appears to be only 2-3 m above the hollow. This is a significant loss of shelter.

The earth works for the eastern viewing platform must be deleted as it is within 20 metres of the nest tree. In the unlikely possibility that the Owls do return to the nest, experience shows us that they will protect their nest by attacking people.

We therefore believe the proposed reshaping of the unstable north spoil mound has not been solved in an environmentally sustainable manner as a pair of Powerful Owls will be deprived of their nesting hollow.

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Birdlife Australia have issued vegetation management guidelines for Powerful Owls. This development contravenes several major habitat requirements and recommendations.

*Birdlife Australia state:*

“Powerful owl roosts are often associated with creek lines and the adjacent riparian vegetation 15m either side of a creek or gully.”

This DA infringes on moist riparian vegetation where Powerful Owls are nesting and roosting.

*Birdlife Australia state:*

“Owls often have ... a smaller core territory that becomes critical when they are breeding. The area for 100m around any nest tree of breeding owls is defined as core territory.”

This DA includes earth works within approximately 10m of the nest tree that will completely remove core territory.

*Birdlife Australia state:*

“Timetable for Works at all times:

- Avoid clearing of horizontal perches above flight paths (tracks and creeks)
- Avoid clearing of vegetation that reduces dense cover or opens the tree canopy at roosting sites
- Do not use powered machinery within one hour of dawn and one hour before dusk within 100m of owls”

This DA clears vital vegetation and there are no conditions of consent about the timing of works during the day.

*Birdlife Australia state:*

“**Breeding season:**

- Do not work within 100m of breeding owls
- Avoid removing shrub or canopy vegetation including non-native species or using any loud machinery within 100m of the breeding hollow or roosting owls.

This DA clears vegetation within 100m of the nesting tree and there are no conditions of consent concerning breeding months.

*Birdlife Australia state:*

**Non-breeding season:**

- Retain a minimum work distance of 50m from owls.”

This DA allows for works within 50 m of favoured roosting sites.

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We believe that obligations under EP&A Act 1979, Section 5A (Significant effects on threatened species, populations or ecological communities, or their habitats) are not fulfilled by this DA as they are a vulnerable species. We consider the DA 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.

This DA has not meet obligations under the Save our Species Program.

This program, funded under the provisions of the Biodiversity Conservation Act 2016, aims to secure Powerful Owls in the long term. The loss of this nesting tree is contradictory to the desired outcomes of the Save our Species Program as it will result in fewer Powerful Owls in NSW.

This DA adds to the threatening process of habitat clearing and does not contribute to sustainability.

We believe that these obligations are independent of land ownership. The nesting tree might be just outside the site boundary, but this DA will destroy the Powerful Owl's habitat, regardless of which side of the fence the nesting tree is.

The aim of the Powerful Owl Coalition is to protect and increase the numbers of Powerful Owls in urban areas. We are therefore opposed to any possible consideration of offsetting as this does not save this urban pair of owls and their potential offspring.

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Birdlife Australia considers Powerful Owls to be important enough to Australia's biodiversity to allocate substantial funds to the Powerful Owl Project in Melbourne and Brisbane as well as Sydney.

Powerful Owls are a landscape-managed species, managed under the SOS program.

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We consider that the assessments of vegetation condition on the northern spoil mound have been completely inadequate for Powerful Owl habitat investigation.

Both the BioBanking Assessment Methodology and the National Trust Methodology use vegetation attributes irrelevant to Powerful Owls.

The vegetation on the northern spoil mound has therefore been dismissed as having vegetation in good/moderate to very poor condition by both assessment methods but, the Powerful Owls don't perceive the area this way. Owl sightings and feathers found on site demonstrate they use the northern spoil mound.

Powerful Owls do not discriminate between weedy or native understory. If it is structurally suitable, they are happy to use it. Indeed, Broad Leaf Privet is listed as one of the preferred roost trees by Birdlife Australia.

Plans to replant the reshaped spoil mound will not save this breeding pair. Planting of tiny Hiko and tube stock plants will not provide the shelter and roosting sites they require for many decades.

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Berowra Valley, including the Quarry area, is designated as a “priority management area” for Powerful Owls by Save our Species, but the nutrient rich quarry site is special as it produces large trees, suitable lower storey layers and abundant prey. These attributes are only available in a few gullies within Berowra Valley and are not available in areas with nutrient poor soils.

Berowra Valley does therefore not produce an endless supply of appropriate nesting trees. Nor does it mean that there will be a large number of nesting sites available to these Owls in their territory. These owls have tried to breed in a hollow a few hundred metre away from the quarry nest tree. Nesting failed. Presuming that they chose the second-best nesting tree in their territory, it means that if this DA goes ahead unaltered, these owls will fail to breed in the long term, and the territory will be subsumed into other territories.

Powerful Owls cannot just choose a better site in Berowra Valley as other Powerful Owls will be occupying these territories.

Therefore, it is our belief that Powerful Owl numbers in Australia will be permanently reduced by this DA.

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We consider that to fulfil obligations under the EP&A Act 1979 and the Biodiversity Conservation Act 2016 the DA must be altered to ensure that:

- a) No earth works on the northern spoil mound occur within 100 m of the nesting tree
- b) Conditions, in accordance with Birdlife Australia’s recommendations, regarding works schedules, both seasonal and daily, are applied

We also recommend that the condition of the vegetation on the northern spoil mound be assessed with the Birdlife Australia criteria rather than the National Trust or BBAM methodology.

We find it difficult to believe that there is not a geotechnical solution to stabilise the northern spoil mound that will not infringe within 100m of the Powerful Owl nesting tree.

Powerful Owl protection, safety and a world class park must all be possible.

Thank you for your time.