
From: Jim Mulcahy <jim.mulcahy@enviro-dynamics.com.au>
Sent: Wednesday, 6 December 2023 4:29 PM
To: Rong Zheng
Cc: TPC Enquiry; Andy Welling;
Subject: RE: HVC Direction 51 response

Hi Rong,

In the direction response I have already outlined an argument that all the established forest on the property is potentially significant habitat for grey goshawks based on known nesting activity at the site, as recorded in the Natural Values Atlas.

This is entirely consistent with NAC 10:

*For the purposes of applying the priority vegetation area overlay to land containing significant habitat for threatened fauna species, any areas identified as significant habitat **should be based on the threatened fauna data from the Natural Values Atlas**, as published on DPIPWE's website.*

Arguably the use of the REM by Council to inform application of the overlay (which was originally proposed to cover the whole property) is also consistent with NAC 12:

*The priority vegetation area overlay may include areas of native vegetation which have been identified as being of local importance based on field verification, **analysis or mapping undertaken by, or on behalf of, the planning authority**. Identification of these areas may be assisted by datasets or spatial products identified by DPIPWE.*

Amy's argument is that not all the forest is significant habitat to the goshawks, based on the location of previous nests and prevailing guidance about adequate buffers from nests. Putting aside the fact I don't necessarily agree with this narrow interpretation of what constitutes significant habitat for the species at this site, the more significant issue is that this argument is only directly relevant today. It would be important and relevant information to consider in response to a current development application, but I don't think it's a good argument for application of the overlay.

As I have previously outlined, I do not see the overlay as a map of what is currently known. This would be rather pointless given how poor and patchy the data is and would also be out of date the day after it was published. Rather, I see the overlay as mapping the potential for priority values to be present so that an up-to-date assessment is triggered at the time of any future development application.

The goshawks provide a perfect example of the need to factor in the dynamism of the system. We don't know where they will choose to nest next year or in five years' time, and we don't know how often the overlay will be reviewed or updated. In the face of these temporal uncertainties, it is all potentially significant habitat that should be considered (as the REM attempted to do), not just what is known to be significant habitat now.

Obviously not everyone will agree with my interpretation of potentially significant goshawk habitat at this site, but I make no apology for adopting a precautionary approach to conservation planning and to addressing the objectives of the LUPAA system.

Regards,

Jim

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