



Office of
Environment
& Heritage

DOC18/8232
TRIM 4985

Ms Carolyn Whitten
Acting Manager Sustainable Growth
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Ms Whitten

Public Exhibition – Planning Proposal for Macquariedale Road, Appin

I refer to your letter received by the Office of Environment and Heritage (OEH) on 14 November 2017, inviting OEH to provide comments on the Macquariedale Road Planning Proposal during public exhibition.

OEH has reviewed the relevant exhibited planning proposal documents and provides comments in regard to Aboriginal cultural heritage and biodiversity matters in Attachment 1. OEH notes that the application for biodiversity certification of the land has been exhibited concurrently with the planning proposal. Comments regarding the application for biodiversity certification are also provided in Attachment 1.

If you have any further questions about this issue please contact Marnie Stewart, Senior Project Officer - Planning on 9995 6868 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely

S. Harrison 28/02/18

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney
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Attachment 1 – Office of Environment and Heritage comments on the Planning Proposal for Macquariedale Road, Appin

Aboriginal cultural heritage

As advised on 26 September 2014, OEH considers condition 4 in the Gateway Determination to be satisfied. OEH therefore has no further comments on Aboriginal cultural heritage matters for the planning proposal.

Biodiversity

Biodiversity certification application

OEH notes that the application for biodiversity certification is being exhibited concurrently the planning proposal which includes the Macquariedale Road Appin Biodiversity Certification Assessment Report Biocertification Strategy (Biodiversity Certification Report and Strategy) dated 12 February 2017. As Council is aware, OEH has previously reviewed and provided comments on draft versions of the Biodiversity Certification Report and Strategy. OEH authorised the exhibition of the biodiversity certification application in April 2017.

Since OEH authorised the exhibition of the biodiversity certification application, the new *Biodiversity Conservation Act 2016* (BC Act) has commenced. However, the Macquariedale Road application is included in the Proposed Applications for Biodiversity Certification Order 2017 (the Order) and therefore can continue to be processed under the *Threatened Conservation Act 1995*. Council is advised that one of the outcomes of the commencement of the BC Act is that payment to the Biodiversity Conservation Fund is also now an acceptable conservation measure for biodiversity certification applications listed in the Order.

Following the end of the exhibition period, the next step in the process is for Council to prepare a Submissions Report and submit the final application to the Minister for Environment. OEH will then prepare a Recommendation Report and associated documents for the Minister for Environment's consideration and decision on whether to confer certification.

On a specific matter, OEH notes that section 13 Consent of other proposed parties in the application form has been signed by Mr Gerry Beasley. When the final application is submitted to OEH and Minister for Environment, evidence will need to be submitted from Walker Corporation (as owners of the land) giving Mr Beasley authorisation to consent to the application.

Biodiversity Offset Strategy February 2014

OEH provided detailed comments to Council on 9 April 2014 regarding biodiversity matters including comments on the exhibited Biodiversity Offsets Strategy dated February 2014 prepared by Travers Bushfire and Ecology. As advised in these comments, it is important to note that if Council determines not to pursue biodiversity certification under the *Threatened Species Conservation Act 1995* (TSC Act), then Council, the developer and any future land owners cannot obtain the benefits of the biodiversity certification under the biodiversity certification assessment methodology (BCAM) and the TSC Act. This means that any future development applications will be subject to the relevant provisions under the BC Act.

Koalas

As Council is aware, as part of the NSW Government *Saving our Species* (SoS) conservation program OEH initiated the Wollondilly Koala Conservation Project. This project is collecting new information on koala distribution, abundance, movement, and habitat usage within the Wollondilly local government area. Work commenced in March 2016 and data collection and analysis are ongoing.

While the Wollondilly Koala Conservation Project is ongoing, the information collected to date has improved our understanding of the regional koala population. The data collected updates existing

koala habitat and corridor mapping done at a regional scale from south Campbelltown to Appin and across to the Wilton area. In this regard, OEH is currently preparing additional information and mapping for DPE to inform the Greater Macarthur growth area planning process. Once finalised, OEH will also provide this information to Council.

The use of best-available information is crucial in understanding what is required to maintain the regional koala population. The planning proposal and biodiversity certification application should therefore be updated to reflect the most recent data and information available on the koala population and habitat.

Zoning regime

OEH supports the application of a E2 Environmental Conservation zone to the land proposed for conservation, including the area covered by the road corridor.

Minimum lot size

According to the planning proposal (pg. 7), the minimum lot size for subdivision of E2 zone land is 30 ha and that under the current proposal there is no change to E2 land. OEH notes however, the exhibited minimum lot size map in Part 4 – Mapping depicts the proposed E2 conservation land as comprising a minimum lot size of 20 ha (AB2) north of Macquariedale Road and 5ha (AA1) south of Macquariedale Road.

To ensure the long-term retention of the high conservation values in the proposed E2 zone, the land should be consolidated under one ownership and managed for conservation purposes. OEH therefore recommends the minimum lot size for the conservation lands be consistent with the adjoining E2 zoned land to the north which is 100ha.

(END OF SUBMISSION)

