



Office of
Environment
& Heritage

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Mr Mark Ruddiman
Senior Strategic Planner
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Mr Ruddiman

Further information - Planning Proposal to rezone land at 45 Noongah Street and 25 Gwynne Hughes Street, Bargo

I refer to your letter dated 3 April 2017 seeking comments from the Office of Environment and Heritage (OEH) on the above Planning Proposal (PP). Following OEH's advice of 14 December 2016, it is understood Council seeks further comments from OEH on the appropriateness of applying an E3 Environmental Management zone with 4000sqm minimum lot size on the parts of the site with high ecological value and riparian corridors.

OEH has reviewed the documentation provided and provides comments on the proposal at Attachment 1.

If you have any further queries regarding this advice, please contact Marnie Stewart on 9995 6868 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely

S. Harrison 20/04/17

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

ATTACHMENT 1 – Office of Environment and Heritage comments on the Planning Proposal for 45 Noongah Street and 25 Gwynne Hughes Street, Bargo

Land use zoning

OEH has reviewed the Flora and Fauna Assessment (F&FA) prepared by EcoPlanning (7 March 2017), however it should be noted that OEH has not assessed its adequacy. Notwithstanding this, OEH notes that EcoPlanning has mapped a large proportion of the site as 'high' or 'moderate' ecological constraint (Figure 3.19, p30) due to the presence of:

- Shale Sandstone Transition Forest (SSTF) Critically Endangered Ecological Community (EEC);
- River-Flat Eucalypt Forest EEC;
- Threatened flora including *Persoonia bargoensis* and *Grevillea parviflora* subsp. *parviflora*; and
- Potential Koala habitat pursuant to State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP44).

OEH still considers that areas of ecological value on the site are most appropriately protected by the application of an E2 Environmental Conservation zone. As noted previously, given the permitted uses it is difficult to see how the application of E3 Environmental Management zoning would provide any significant long term protection of biodiversity values. Even with an increase in the minimum lot size to 4000sqm, loss of biodiversity would occur from the clearing and fragmentation of vegetation for subdivision and dwelling construction in much the same way as the adjoining R5 Large Lot Residential land.

Impacts will also occur as a result of ancillary development such as sheds, fencing, Asset Protection Zones (APZs) and areas for the irrigation of sewage. In addition, as the proposed E3 land separates the R5 parts of the site, additional impacts will occur for construction of roads and other infrastructure. Without appropriate protection, the remaining native vegetation is invariably compromised by the:

- introduction of weeds from construction machinery;
- spread of invasive horticultural and landscape planting from new gardens; and
- run-off from fertilised gardens and effluent management systems.

For these reasons, OEH considers that the PP in its current form does not ensure the long term protection of biodiversity. OEH recommends that areas of high ecological value should be zoned E2 and consideration should be given to ensuring these areas are retained in a single parcel of land to be managed in perpetuity under a biobanking agreement or via a community title scheme.

Other planning provisions

The F&FA recommends a 'biodiversity layer' be applied to the site as per Figure 4.1 (page 33) which will trigger consideration of the impacts of future development under Clause 7.2 of the Wollondilly Local Environmental Plan (LEP) 2011. OEH does not consider that the use of development controls at development application stage alone is sufficient to protect the biodiversity values present within the site. In addition, the biodiversity layer does not depict the full extent of all the lands mapped as high and moderate ecological constraint. For example, threatened *Grevillea parviflora* subsp. *parviflora* and *Persoonia bargoensis* plants along the northern boundary of the site are not included in the biodiversity layer shown in Figure 4.1. If Council intends on amending the Natural Resources – Biodiversity Map to apply to the site, OEH recommends that it should include all high and moderate biodiversity value areas.

(END OF SUBMISSION)