



Office of
Environment
& Heritage

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Our reference: DOC15/78087
Contact: Belinda Leo, 9995 6820

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WOLLONDILLY SHIRE COUNCIL	
TRIM N°	7325
PROP. N°	
17 APR 2015	
AUTH. NO.	
ASSIGNED TO.	Tania.

Dear Mr Ruddiman

I refer to the planning proposal for 45 Noongah Street and 25 Gwynn Hughes Street, Bargo and associated documents referred to the Office of Environment and Heritage (OEH) for comment under Section 56(2)d of the *Environmental Planning and Assessment Act 1979*.

OEH understands that the planning proposal seeks to rezone the subject site to a mixture of R5 Large Lot Residential and E3 Environmental Management with a minimum lot size of 1500m², or a minimum lot size of 4000m² if there is to be an individual sewage management system on-site.

OEH has reviewed the documents and provides the following comments.

Biodiversity

The *Noongah Street Bargo Ecological Constraints Assessment* report indicates that the Noongah Street site contains significant areas of Cumberland Shale Sandstone Transition Forest (equivalent to Shale Transition Forest) and Southern Highlands Transition Forest (equivalent to Southern Highlands Shale Woodlands) which are listed as Endangered Ecological Communities (EEC) under the *Threatened Species Conservation Act 1995*. OEH notes that the adjacent property at Gwynn Hughes Street was not mentioned in the report. OEH recommends that the report be updated to include the Gwynn Hughes Street site.

The *Noongah Street Bargo Ecological Constraints Assessment* report has identified high ecological constraints in Figure 6 which are "those that contain ecological values where development should be avoided, where possible". The high constraints include EECs, riparian vegetation, Hornes Creek and Hornes Creek tributary. The report also states that the riparian vegetation along Hornes Creek provides a wildlife corridor connecting bushland to the south and the north of the property. Furthermore, the bushland immediately south and west of property is part of "an extensive vegetation corridor adjoining to the Bargo River (approximately 2 kilometres to the west) and the Bargo Conservation Area and Sydney Catchment Special Area".

OEH notes that the planning proposal proposes to rezone much of the area identified as high vegetation constraint (Figure 6) along the creek lines to E3 Environmental Management, which permits dwellings houses, with a minimum lot size of 1500m². The areas of high vegetation constraint along the property

boundaries are generally proposed to be zoned R5 Large Lot Residential with a minimum lot size of 1500m². OEH does not consider the proposed zoning and 1500m² minimum lot size appropriate as it would not provide sufficient protection to the EECs and riparian corridors. The proposal would expose the vegetation to a number of detrimental impacts from such pressures as clearing to establish a dwelling site, associated buildings, roads, driveways, fencing, and asset protection zones (APZs) as well as weed invasion.

It is preferred that the EECs and riparian corridor be protected and conserved in perpetuity. OEH therefore recommends the application of the E2 Environmental Conservation zone to protect the EECs and riparian corridors. If Council determines to pursue the use of the E3 zone, greater consideration should be given to the proposal, including increasing the minimum lot size and identifying the location of dwelling footprints in order to avoid impacts on the vegetation.

Where areas of biodiversity value cannot be satisfactorily protected, the planning proposal will need to include consideration of offsetting for biodiversity losses. OEH recommends offsetting for unavoidable direct and indirect impacts be assessed in accordance with OEH's *'Principles for the use of biodiversity offsets'* (at <http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>).

OEH notes that the planning proposal does not address the potential impacts to vegetation from the 10/50 Vegetation Clearing Code of Practice (10/50 COP). OEH recommends that the impact of the 10/50 COP is considered in any assessment of potential impacts to vegetation at the planning proposal stage and proposed lots are of a sufficient size and configuration to accommodate building envelopes 50 metres from vegetation.

Aboriginal Cultural Heritage

It is noted that condition 2 in the Gateway Determination requires an Aboriginal cultural heritage assessment to be prepared. In this regard, OEH recommends the completion of two types of Aboriginal cultural heritage assessment to inform the planning proposal:

- an archaeological assessment – involving the identification and assessment of Aboriginal objects (often referred to as 'sites') and their management based on archaeological criteria; and
- a cultural heritage assessment – involving consultation with Aboriginal stakeholders (groups and individuals) and can include historical and oral history assessment and broader values assessment (eg. landscape and spiritual values).

The outcomes of the archaeological and consultation components of the Aboriginal heritage assessment should be compiled into a single map showing areas of high, moderate or low Aboriginal cultural values. Options for conserving areas of Aboriginal heritage significance should be fully explored in discussion with the Aboriginal community.

If you have any queries regarding this advice please contact Belinda Leo, Operations Officer on 9995 6820.

Yours sincerely

S. Harrison 14/04/15

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