



Office of
Environment
& Heritage

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Mr Scott Phillips
The General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Attention: Margaret Paige

Dear Mr Phillips

Planning Proposal - Sutherland Shire LEP 2015 Draft Amendment 4 Housekeeping

I refer to your letter received 8 August 2016, seeking comments from the Office of Environment and Heritage (OEH) on the Planning Proposal for Draft Amendment 4 Housekeeping to Sutherland Shire Local Environmental Plan (LEP) 2015.

OEH has reviewed the documentation relating to the above proposal, and provides comments at Attachment 1.

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

Yours sincerely

S. Harrison 30/08/16

SUSAN HARRISON
Senior Team Leader Planning
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9995 6868

ATTACHMENT 1

Office of Environment and Heritage (OEH) comments on Planning Proposal - Sutherland Shire LEP 2015 Draft Amendment 4 Housekeeping

1. Background

OEH understands that the Planning Proposal (PP) aims to correct various housekeeping matters such as errors or unintended omissions, mapping anomalies and GIS changes since the LEP was made. OEH understands that the PP proposes changes to Schedule 5 Environmental Heritage and the Heritage Maps, as well as some minor zoning and planning control changes.

OEH has reviewed the documentation provided and offers the following comments in relation to the following rezonings.

2. Lots 15, 16, 17 and 18 Section L DP 1782 (Nos. 10-40) Sussex Street, Bundeena

OEH notes that the PP includes the rezoning of this land from E2 Environmental Conservation to E1 National Parks to reflect the gazettal of this land as National Park. OEH raises no concerns with the rezoning as the land was gazetted as National Park on 14 August 2015.

3. Part of Lot 200 DP 1081859 and Part of Lot 1230 DP 821652 Soldiers Road, Jannali

OEH notes that the PP proposes to rezone the land at Jannali Baseball Fields to the east of the RFS fire trail from E2 Environmental Conservation to RE1 Public Recreation to incorporate all of the baseball field and an adjoining section of vegetated land. OEH further notes that the purpose of the rezoning is to “reflect the actual use of the land” and “simplify the approval process for any future work to the grounds”.

OEH considers that the proposed zone boundaries are not reflective of the current land use, in that the baseball field does not extend into the vegetated area. Further, rezoning from E2 to RE1 does not obviate the need to consider the impact of development works on threatened species and their habitats.

OEH raises concerns with zoning the vegetated area RE1, due to the potential for this vegetation to be habitat for threatened flora and fauna such as *Ninox strenua* (Powerful Owl). There is a confirmed Powerful Owl nest site located 100 metres north west of the boundary of the proposed rezoning, and several other observations (both seen and heard) within a few hundred metres. The adjoining Jannali Reserve is an important nesting, roosting and foraging habitat for this species.

In addition, there are two vegetation communities potentially affected by the rezoning:

- *Sydney Hinterland Exposed Sandstone Woodland*, equivalent to Plant Community Type (PCT) 1081 Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion; and
- *Coastal Enriched Sandstone Dry Forest*, equivalent to PCT 1776 Smooth-barked Apple - Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast.

In the locality these PCTs could be habitat for a range of threatened plants under the *Threatened Species Conservation Act 1995*, including:

- *Persoonia hirsuta* (Hairy Geebung) – endangered species;
- *Leucopogon exolasius* (Woronora Beard-heath) – vulnerable species;
- *Prostanthera saxicola* endangered population in the Sutherland LGA; and
- *Caladenia tessellata* (Thick Lip Spider Orchid) – endangered species.

A known population of Hairy Geebung occurs approximately 500 metres to the south west of the site. Many occurrences of this species are found along disturbed tracks and powerlines, in conditions which would be similar to the south eastern corner of the area proposed to be rezoned RE1.

Accordingly, OEH recommends that the RE1 zone boundary be aligned with the eastern edge of the existing vegetation rather than the fire trail. In addition, any future developments or actions that impact directly or indirectly on the vegetation must consider the impacts on threatened species and their habitats and should include thorough searches for these species. Searches for plants and other species should be carried out in accordance with the Guide to Surveying Threatened Plants (OEH, 2016) which is available at:

<http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm>.

(END OF SUBMISSION)