



Office of
Environment
& Heritage

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Our reference: DOC16/45979
Contact: Calvin Houlison
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Dear Ms Ratcliffe

RE: Beach Road Berry Planning Proposal – Preliminary Comments

Thank you for consulting us with regard to the abovementioned Planning Proposal. This advice represents the views of both National Parks & Wildlife Service (NPWS) and the broader OEH. In particular you have requested advice on whether we would support the Planning Proposal, particularly having regard to the Berry wildlife corridor, and any further suggested amendments or revisions. Please be advised that the following comments are provided without prejudice and are not exhaustive, and a further detailed response will be provided following Gateway determination and discussions in the meantime.

Coomonderry Swamp, located south of the proposed development site, is the largest freshwater swamp on the NSW south coast. Coomonderry Swamp in its entirety is part of the Coastal Freshwater Wetland endangered ecological community (EEC) under the Threatened Species Conservation (TSC) Act 1995 and is a mapped SEPP 14 coastal wetland. The swamp also comprises Swamp Sclerophyll Forest EEC at its northern edge and is habitat for numerous rare aquatic plants and endangered species such as the Australasian Bittern (*Botaurus poiciloptilus*) and Green & Golden Bell Frog (*Litoria aurea*).

We are particularly interested in seeing long term and substantial protection of this important habitat. Our key priorities for this proposal are to ensure that development of the site will not impact adversely on the environmental significance of the swamp, and to provide for its long term conservation. NPWS has indicated willingness to consider the addition of the Coomonderry Swamp section of this parcel consistent with the adjacent development, as it adds the contiguous swampland within NPWS estate and allows for ongoing management of this environmentally sensitive area.

We understand the Planning Proposal was endorsed by Council to proceed to Gateway determination, subject to the following amendments:

- Revision of minimum lot sizes to ensure consistency with adjacent subdivisions and accommodation of on-site effluent disposal
- Revision of proposed zoning to ensure continuation of established wetland buffer and protection of ecologically sensitive areas
- Development located north of ridge line to minimise impacts on Coomonderry Swamp, ensure consistency with adjacent sites and maintain integrity of the ridgeline
- Land transfer to NPWS being resolved and possible need for a Planning Agreement

The suggested revisions appear to address the concerns raised previously by OEH/NPWS at the most recent inter-agency meeting of July 2015, and are supportable in principle. A lower density form of development, with larger minimum lot sizes that better reflect the adjacent developments, would be more suitable both in terms of an environmental planning outcome and flow-on impacts to Coomonderry Swamp.

The Berry wildlife corridor linking the escarpment to the coast at Seven Mile Beach includes biodiversity corridors identified in both Shoalhaven LEP 2014 and Illawarra-Shoalhaven Regional Plan 2015, providing a contiguous link from the site to Seven Mile Beach National Park. The LEP corridor includes the E2 zoned portion of Coomonderry Swamp within the subject site which, links to E2 zoned land within the adjacent subdivisions at Campbells Run and Coomonderry Ridge.

This is also supported by work being undertaken by the Great Eastern ranges project along with local partners such as Berry Landcare. This portion is identified for dedication to the NPWS estate, and we have previously indicated in-principle support to accept management of the portion of site within the swamp. As part of the Planning Proposal, we wish to ensure that there is a suitable and timely process for dedication of the swamp portion of land, including a suitable buffer for access and fire management. We also wish to ensure a suitable environmental zoning for the swamp and buffer area.

Council's Planning Proposal report to Council also states that *'the equity of the NPWS land gifting proposal needs to be further justified regarding the value of the land to be transferred and the benefit that will be gained through the rezoning (ie the value of the land to be transferred vs the value of the development potential'*. In this regard it should be noted that our in-principle support for the Planning Proposal remains distinct from, and is not contingent upon, proposed offers of land at Coomonderry Swamp.

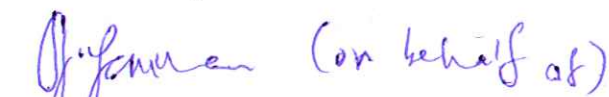
We support Council's suggested post-Gateway study requirements for a flora and fauna assessment, specifically with regard to bushland at Coomonderry Swamp and the patch of Illawarra Lowland Grassy Woodland EEC known as Jim's Forest, water cycle assessment, on-site cultural heritage assessment. Critically, the water cycle assessment should be able to demonstrate a neutral or beneficial impact on Coomonderry Swamp. As Council are aware, effluent and stormwater system failure in this location presents a significant risk to the swamp's ecological sensitivity. We also strongly recommend that the VPA process for the proposed transfer be resolved prior to the site being rezoned.

Impacts upon all EEC's and native vegetation located on-site, including corridor values, should be fully described and assessed in the flora and fauna assessment. As there are known sites of Aboriginal cultural heritage nearby, we also recommend that a cultural heritage assessment occurs early in the process to ensure certainty in conservation and development outcomes. We also wish to ensure that appropriate zone boundaries, vegetated buffers and APZ's are fleshed out as part of the rezoning process.

Finally, we would appreciate the opportunity to collaborate with Council staff throughout the rezoning process to establish appropriate development guidelines and progress the land transfer in a timely manner. We look forward to meeting with Council staff as part of the next steps identified in Council's report, and also invite you to attend a site visit with OEH/NPWS staff. I would also appreciate advice on whether you wish to attend and if so your availability during February.

Please contact me on 4224 4179 or calvin.houlison@environment.nsw.gov.au should you have any further queries.

Yours sincerely



CALVIN HOULISON

Conservation Planning Officer

cc: Greg Tedder, NPWS Nowra Area Manager