

Appendix 6 – Correspondence from the Office of Environment and Heritage



Office of
Environment
& Heritage

Our reference: DOC12/35830, FIL12/6739
Contact: Lucas Grenadier, 4908 6820

Mr Brett Stein
Senior Planner
ADW Johnson
Unit 7/335 Hillsborough Road
WARNERS BAY NSW 2282

Dear Mr Stein

RE: PROPOSED BIODIVERSITY OFFSET LOT 23 DP95675 BOORAL-WASHPool ROAD, STROUD

I refer to the biodiversity offset measures being sought for the proposal to rezone land at 505 Minmi Road Fletcher and the discussions to date on these matters. As noted in OEH's correspondence of 3 July 2012 (Document Reference: DOC12/26539) your proposal to place a Conservation Agreement under the *National Parks and Wildlife Act 1974* (NPW Act) over a portion of Lot 23 DP95675 required further assessment by the Office of Environment and Heritage (OEH), including a site inspection of the land. This site inspection occurred on 26 July 2012 between OEH staff, ecological consultants (Kleinfelder-Ecobiological), and the landholder.

OEH can now confirm that Lot 23 DP95675 contains significant environmental values and that the placement of a Conservation Agreement under the NPW Act or the entering into of a BioBanking Agreement under Part 7A of the *Threatened Species Conservation Act 1995* (TSC Act) is a suitable conservation measure for the land. This is subject to the following qualifications:

1. Formal endorsement by the Minister administering the NPW Act. This endorsement has not been obtained at this point, and as this conservation measure is proposed as part of a biodiversity offset package for a proposed urban rezoning at 505 Minmi Road Fletcher. It is envisaged that once the planning proposal and proposed planning agreement under the *Environmental Planning and Assessment Act 1979* (EP&A Act) have sufficiently progressed, OEH will seek this endorsement.
2. Agreement of the landowner. A Conservation Agreement under the NPW Act is a conservation covenant that is attached to the land title and is a joint agreement between the Minister administering the NPW Act and the landholder. Further information on Conservation Agreements can be found at: www.environment.nsw.gov.au/cpp/ConservationAgreements.htm
3. Requirement to manage the conservation area in perpetuity. The land contains several ongoing management issues, such as significant weed infestations (e.g. Lantana) which will require initial and follow-up control measures to ensure that the conservation values of the land are improved or maintained. The requirement to manage the conservation area in perpetuity (e.g. weed and pest control, controlling grazing, revegetation, etc) is an essential component of any conservation agreement and potentially has ongoing financial implications for the landholder.

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Given the condition of the land and its inherent management issues any conservation agreement entered into by the Minister would require the landholder to commit to ongoing management of the land, including ongoing compliance monitoring and adaptive management of the conservation area.

On this basis, and as noted above, OEH advises that the entering into of a BioBanking Agreement under the TSC Act provides an alternative conservation measure to allow for the ongoing management of the land, as it allows for landowners to receive ongoing management payments from the BioBanking Trust Fund. For further information in this regard please refer to: www.environment.nsw.gov.au/biobanking/biobankframework.htm

4. Initial conservation area establishment works. Given the land currently contains a number of land management issues such as significant weed infestations, the initial conservation area establishment works (i.e. first 3-5 years) would need to be agreed between OEH and the proponent / landholder, and committed to and secured both within the Conservation Agreement and the proposed planning agreement. This may require the development of a Vegetation Management Plan (or similar) which can be included as an annexure to the Conservation Agreement and planning agreement.
5. Boundaries / size of the conservation area. Currently the conservation area (as shown in biodiversity offset strategy (Ecobiological, May 2012) comprises a 68.5 hectare portion of Lot 23 DP95675. Following the subsequent site inspection and discussions with the landholder on 26 July 2012, there is some potential to have the area subject to the Conservation Agreement increased. Any increase in the conservation area would (in-part) address the credit shortfall (i.e. deficiency from achieving an 'improve or maintain' outcome for biodiversity values) noted in the biodiversity offset strategy.

As previously noted the legal mechanism to deliver and secure any proposed biodiversity offsets should be through a planning agreement under section 93F of the EP&A Act. OEH understands that the proponent is willing to enter into a planning agreement at the land rezoning stage to deliver and secure a biodiversity offset package. It is envisaged that it could include a clause which requires a conservation covenant to be entered into over Lot 23 DP95675 prior to the gazettal of the Local Environmental Plan (LEP) amendment for 505 Minmi Road Fletcher (or alternative timeframe linked to the LEP or subsequent development applications).

However, prior to progressing with the proposed planning agreement and planning proposal, several outstanding issues as noted in OEH's correspondence of 3 July 2012 remain outstanding, including resolution of the longer-term ownership and management of the on-site conservation area (i.e. Lot 1 DP844711 Minmi Road, Fletcher) and endorsement of the proposed biodiversity offset measures by Newcastle City Council.

If you have any enquiries concerning this advice, please contact Lucas Grenadier, Conservation Planning Officer, on 4908 6820.

Yours sincerely



29 AUG 2012

RICHARD BATH
Head – Hunter Planning Unit
Conservation and Regulation, North East



Office of
Environment
& Heritage

Our reference: DOC12/14849, FIL08/924-08
Contact: Lucas Grenadier, 4908 6820

Mr Brett Stein
Senior Planner
ADW Johnson
Unit 7/335 Hillsborough Road
WARNERS BAY NSW 2282

Dear Mr Stein

**RE: BIODIVERSITY ISSUES REGARDING PROPOSAL TO REZONE LAND AT 505 MINMI ROAD
FLETCHER (LOT 1 DP844711)**

I refer to the urban development and conservation outcomes being sought for the above mentioned planning proposal and the discussions to date on these matters. Under the Newcastle Local Environmental Plan 2012 the land is currently zoned E4 Environmental Living, however an R2 Low Density Residential zone is sought over part of the site.

The Office of Environment and Heritage (OEH) understands that the site has been subject to a gateway determination by the delegate of the Minister of Planning and Infrastructure on 8 February 2010 which stated that the planning proposal should not proceed until, amongst other factors, further consultation is undertaken with OEH regarding this issue of biodiversity offsets. As you may be aware, OEH has also previously provided advice to Newcastle City Council on this proposal, including letter dated 11 August 2011 (Doc Ref: DOC11/35536).

As part of this consultation process, OEH was provided with a biodiversity offset strategy (Ecobiological, May 2012a) and a revised flora, fauna and threatened species assessment (Ecobiological, May 2012b). These reports identify a potential urban outcome for Lot 1 DP844711, assess the biodiversity impacts of the proposed development and outline a potential biodiversity mitigation/offset strategy. OEH has undertaken a review of these reports and provides the following advice herein.

OEH also understands that the proponent/landholder has offered to provide a biodiversity offset package at the land rezoning stage, and to enter into a planning agreement under section 93F of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to deliver and secure these offsets.

A. Outline of proposed conservation measures

Two biodiversity offsets are currently proposed, including:

- On-site conservation area - 'Fletcher offset site': comprising the residual land not developed for urban purposes within Lot 1 DP844711 Minmi Road, Fletcher. This land would be considered by OEH as a biodiversity offset for the proposed development if the land is protected and managed in perpetuity for conservation purposes.

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A suitable conservation measure for this parcel of land is yet to be identified. However, I can confirm that dedication of the land to the NSW National Park estate or the placement of a conservation agreement under the *National Parks and Wildlife Act 1974* (NPW Act) are unlikely to be accepted by OEH. This is mainly due to the size and location of the land (being disjunct from existing reserves including Blue Gum Hills Regional Park) and the increased resources required to potentially manage the high urban interface.

Several other conservation measures are potentially available to protect and manage this land, and these are outlined in Section 126L of the *Threatened Species Conservation Act 1995* (TSC Act), and discussed further below.

- Off-site conservation area – 'Stroud offset site': comprising a 68.5 hectare portion of Lot 23 DP95675 Booral-Washpool Road, Stroud, within the Great Lakes Local Government Area. This land is proposed to be retained in private ownership and a conservation agreement under the NPW Act entered into over the land.

Initial discussions with staff from OEH's Landscapes and Ecosystems Conservation Branch indicate that they may consider the placement of a conservation agreement over the land. However, prior to a formal endorsement of this conservation measure a site inspection by OEH officers would be required to confirm the environmental values of the land and identify any potential on-going management issues, such as significant weed infestations.

Any required management actions over the land would need to be committed to and secured as part of the proposed planning agreement. In this regard, and as a basis for further negotiation, it is noted that a number of management actions over the land are recommended in Section 3.3.2 of Ecobiological, May 2012a.

B. Review of proposed conservation measures

OEH has undertaken an initial review of the conservation measures outlined in the biodiversity offset strategy (Ecobiological, May 2012a), and provides the following advice:

1. The conservation measures outlined in the biodiversity offset strategy have the potential to secure important conservation outcomes for the region and therefore are considered by OEH to have merit. However, several issues/short-comings in the strategy have been identified and these are discussed in the following clauses.
2. The studies confirm that Lot 1 DP844711 Minmi Road, Fletcher contains significant biodiversity values, including habitat for a number of threatened species listed under the TSC Act. Hence, OEH is of the view that the proposed on-site conservation area warrants formal protection and that a legally enforceable conservation measure should be found and implemented as part of the planning proposal.

It is noted that the proponent's preferred option is to dedicate the land to Newcastle City Council. In this regard, it should be noted that Section 126L of the TSC Act lists adoption of a plan of management for land under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993* as a potential conservation measure. OEH recommends that the proponent negotiates directly with Newcastle City Council over this potential dedication.

Further, as part of the ongoing assessment of the planning proposal, OEH would recommend that the residual conservation land within Lot 1 DP844711 is zoned E2 Environmental Conservation.

3. At the request of OEH, the Biobanking Assessment Methodology has been used to determine what would be an acceptable offset package for the proposal. This methodology is a useful quantitative tool developed by the NSW Government which can be used to quantify the biodiversity values and impacts of the proposed development and conservation outcomes, and

establish the offsets that would be required if the proposal is to meet an 'improve or maintain' outcome.

Having used the Biobanking Assessment Methodology the biodiversity offset strategy (Ecobiological, May 2012a) identifies that there is a credit shortfall of 408 (or approx 40% deficiency from achieving an 'improve or maintain' outcome for biodiversity values). This credit deficiency poses several issues for OEH and the relevant planning authorities (i.e. Newcastle City Council and the Department of Planning and Infrastructure) to consider, including whether additional conservation measures should be sought as part of the planning proposal and the potential flow-on effects for threatened species assessments of subsequent development applications under Part 4 of the EP&A Act.

The biodiversity offset strategy requests that this deficiency be considered in light of the positive conservation outcomes of the offset proposal. In this regard OEH concurs with the landscape features and biodiversity values which enhance the suitability of the Stroud offset site. These include:

- its strategic location in a broad wildlife corridor that links the Barrington range to Karuah – Port Stephens and Myall Lakes;
- the locality is identified as a priority area for conservation and restoration within the draft Mid North Coast Regional Conservation Plan;
- the site supports habitat for a similar suite of threatened species that will be impacted by the proposed urban development.

Provided that a suitable conservation measure can be found for the Fletcher offset site, then additional benefits of conserving 'like for like' vegetation and habitat for threatened species within the Minmi - Newcastle Link Road vegetation remnant could also be achieved.

C. Planning agreement to deliver and secure biodiversity offsets

The legal mechanism to deliver and secure any proposed biodiversity offsets should be through a planning agreement under section 93F of the EP&A Act. OEH understands that the proponent/landholder is willing into a planning agreement at the land rezoning stage to deliver and secure a biodiversity offset package.

It is OEH's preferred practice that the relevant Council should be a party to any planning agreement (along with the Minister for the Environment) in connection with a rezoning or a development application where significant conservation outcomes are to be achieved, such as dedication of land to the NSW National Park reserve system. This helps both from a practical perspective and to ensure that Council is involved in the process and generally satisfied with the offsets being proposed.

Clause 25 of the Environmental Planning & Assessment Regulation 2000 states that in the case of a planning agreement that is to be entered into in connection with the amendment of an environmental planning instrument, public notice of the proposed planning agreement should be given at the same time and in the same manner as the planning proposal for the amendment of the environmental planning instrument. Otherwise, it should be given as soon as possible thereafter. Section 93G of the EP&A Act requires a copy of the proposed agreement, amendment or revocation to be made available for inspection by the public for a period of not less than 28 days.

I also take this opportunity to highlight that despite the proposed contributions, further threatened species assessments under the EP&A Act would be required at the subsequent development application stages of the project. Further, section 93F(9) of the EP&A Act provides that a planning agreement cannot impose an obligation on a planning authority to grant development consent. However, any planning agreement which has been entered into or any draft planning agreement which a developer has offered to enter into will form one of the matters which a consent authority

must take into consideration in determining a development application under section 79C of the EP&A Act.

Some flexibility can be provided within the planning agreement to ensure that the proposed contributions are delivered and secured in a manner which is acceptable to all parties.

D. Endorsement of Newcastle City Council

OEH has undertaken an initial review of the biodiversity offset strategy and considers that the proposed conservation measures have the potential to provide an adequate conservation outcome for the planning proposal.

However, in OEH's previous advice to Newcastle City Council (letter dated 11 August 2011) it was requested that the proposed urban outcome be considered in light of an assessment of cumulative impacts on biodiversity from surrounding development. Several additional outstanding issues identified herein would also need to be resolved to ensure that the proposed biodiversity offset strategy can be implemented in a timely manner as part of the planning proposal. This includes finding of a suitable conservation measure for the residual conservation area within Lot 1 DP844711 (e.g. dedication to Newcastle City Council), and a decision made by Council on whether it is willing to be a party to the proposed planning agreement along with the Minister for the Environment and the proponent/landholder.

During the ongoing assessment of the planning proposal, Newcastle City Council will need to satisfy itself that the proposed contributions are adequate for the purposes of protecting areas of high conservation value, maintaining wildlife corridors and offsetting additional biodiversity impacts from urban development. Therefore in this regard, it is recommended that the revised ecological reports (i.e. Ecobiological, May 2012a, and Ecobiological, May 2012b) are forwarded to Council for its review.

Should a decision be made and endorsed by the gateway process, OEH will be in a position to provide further formal comments and advice on the planning proposal and if appropriate seek the endorsement of the Minister for the Environment to enter into a planning agreement.

In the interim period a site inspection of the proposed Stroud offset site can be arranged with OEH staff to confirm whether a conservation agreement under the NPW Act is suitable for this site.

If you have any enquiries concerning this advice, please contact me on 4908 6820.

Yours sincerely



- 3 JUL 2012

LUCAS GRENADIER
A/Head – Hunter Planning Unit
Conservation and Regulation, North East

cc: Shannon Turkington, Senior Urban Planner, Newcastle City Council

Appendix 7– Correspondence from NSW Rural Fire Service

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: 1300 NSWRFSS
e-mail: csc@rfs.nsw.gov.au

Headquarters
NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2141

Facsimile: (02) 8741 5550



The General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Your Ref: 3763767

Our Ref: L10/0006

ATTENTION: Shannon Turkington

13 June 2012

Dear Sir / Madam,

Re: Planning proposal to rezone land at 505 Minmi Road, Fletcher (Lot 1 DP 844711).

I refer to your letter dated 17 May 2012 seeking the NSW Rural Fire Service advice for the rezoning proposal at the above address.

Based upon the additional information received for the proposal, the RFS raises the following matters in relation to bush fire for the proposed rezoning. The RFS still has concerns with access between the two precincts of residential areas creating a pinch point that would be unsafe during a bush fire event.

Based upon the information provided the proposed asset protection zones (APZ) required for the southern elevations of Lots 129 to 132 will require a minimum 20 metres to ensure BAL 29 construction standards. In addition, proposed Lot 132 will be flame zone from the proximity of the unmanaged vacant lot behind it in Stirling Crescent.

The temporary APZ on the western boundary is not supported by any information to suggest it will be provided in perpetuity other than to propose the APZ will be provided by a concept plan for an adjoining subdivision. The RFS does not support subdivisions that cannot guarantee their own APZs within their property unless supported by an 88b easement being registered pursuant to section 88B of the *Conveyancing Act 1919*.

Future residential or special fire protection purpose developments on Bush Fire Prone Land must satisfy the requirements of *Planning for Bush Fire Protection 2006*. The RFS raises no other concerns with proposal to rezone this site.

1 of 2

TechnologyOne ECM Document Number: 3839442

For any enquiries regarding this correspondence please contact Mark Hawkins on 8741 5555.

Yours faithfully,



Nika Fomin
Team Leader, Development Assessment

The RFS has made getting additional information easier. For general information on 'Planning for Bush Fire Protection 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection 2006'.

TechnologyOne ECM Document Number: 3839442

Appendix 8 – Correspondence from Hunter Water



Hunter Water Corporation

17 January 2012

Ref: 2009-1285

GHD Pty Limited
Level 3
24 Honeysuckle Drive
NEWCASTLE NSW 2300

Attention: Glenn McDiarmid

Dear Glenn

RE: CONDITIONAL APPROVAL OF FLETCHER SEWER SERVICING STRATEGY

Thank you for your submission of the Minmi Road Fletcher Sewer Servicing Strategy Revision 2 – November 2011. Hunter Water is satisfied from your responses that the strategy has been suitably modified to take into account the recommendations made following our most recent review, with the exception of the outstanding issues outlined in the attached table.

Conditional approval of the strategy is therefore given; subject to the attached issues being addressed in the final strategy document, design documents and REF as indicated. Three hard copies and one electronic copy of the final strategy (in PDF format) are to be submitted. Please ensure there is a version history in the document and a clear notation on the front cover that the strategy is "final".

The approval of the strategy is valid for a maximum five year period from the date of this letter, however, Hunter Water reserves the right to require a revision to the strategy should any of the following circumstances arise:

- The development does not substantially proceed within this five year timeframe;
- Significant changes in development profile (ie yield, timing and/or staging); or
- Hunter Water Design Standards or criteria are revised impacting the loading / demand derived from the development; or
- Operation circumstances change; or
- Legislative or regulatory changes are imposed on Hunter Water.

Should any of the above circumstances arise within the five-year approval period, the strategy will require revision by the developer and approval by Hunter Water. Should the maximum 5 year period elapse it is a mandatory requirement that the strategy be reviewed by the developer and approved by Hunter Water prior to proceeding with the works related to water, wastewater or recycled water supply. This process should commence with submission of a new Development Assessment application, Preliminary Servicing application or feasibility analysis to ensure that the most current information, system modelling and performance, and design standards are used in the analysis.

www.hunterwater.com.au

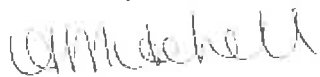
Should the strategy need to be reviewed, the revised servicing strategies shall apply only to those development stages not already completed, or for which detail designs have not yet been approved. The revision of servicing strategies shall be completed by the developer and again be reviewed and approved by Hunter Water. Any costs associated with these reviews shall be borne by the developer.

Please note that approval of a strategy is not an approval to connect the development to Hunter Water's water and sewerage systems, nor does it guarantee capacity / connection availability at the time it is required. Connection and/or capacity availability will only be confirmed by submission and determination of a Development Assessment application. Please also note the legal disclaimer attached at Appendix A with respect to the use of Hunter Water's Servicing Strategy Template for the development of this strategy.

Please also note that all intellectual property in a servicing strategy as submitted to Hunter Water vests in Hunter Water on submission and Hunter Water can distribute the strategy, as submitted, and as may be approved by Hunter Water, to third parties (including developer/consultants and members of the public under freedom of information laws). Hunter Water will use reasonable endeavours not to disclose private personal information or information which is commercial in confidence when providing a servicing strategy to third parties.

If you have any questions, please do not hesitate to contact me on 4979 9545.

Yours faithfully



Amber Mitchell
Account Executive – Major Development

Appendix 9– Correspondence from Hunter Central Rivers – Catchment Management Authority



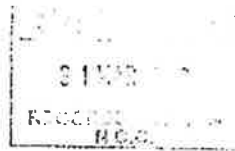
Contact: Trevor Cameron
Phone: 4937 4938
Fax: 4930 1013
Email: trevor.cameron@cma.nsw.gov.au

File: LVDA 027

Shannon Turkington
Strategic Planner
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Your Ref: 2821185
Our Ref: A351340

25 March 2010



Dear Shannon

Subject Planning Proposal to Rezone Land at 505 Minmi Road, Fletcher (Lot 1 DP 844711) from 7(C) Environmental Investigation Zone to part Residential and part Environmental Conservation

Thank you for your letter dated 17 February 2010 requesting guidance from the CMA on possible environmental offsets and the maintenance of habitat corridors for the above proposal. The Hunter-Central Rivers Catchment Management Authority (CMA) has reviewed the information provided and has the following comments for your consideration.

You would be aware that the CMA attended an agency workshop and provided comments on the Draft Standard LEP 2011 in correspondence to Council on 16 November 2009. I have attached a copy of the correspondence as it is relevant to this current request for information and guidance.

The CMA is of the view that this proposal be part of the overall assessment process that precedes the development of the draft standard Newcastle LEP. It is unclear why this rezoning proposal needs to be brought forward and treated separately from the Draft Standard LEP review outlined above.

Native Vegetation

The CMA administers the *Native Vegetation Act, 2003* (NV Act). Under the NV Act clearing can only be approved where it 'improves or maintains environmental outcomes' as set out in the *Native Vegetation Regulation 2005* (NV Regulation) and *Environmental Outcomes Assessment Methodology* (EOAM).

The CMA notes that the proposed rezoning would ultimately result in the removal of a significant amount of remnant native vegetation. Whilst it is acknowledged that rezoning alone does not require approval under the NV Act, and that the Act does not apply to Newcastle LGA, the CMA requests that the objects of the NV Act be applied to the proposal. In particular the 'improve or maintain' principle should be incorporated into the assessment and preparation of the proposed rezoning.

The mechanism of approval for clearing native vegetation under the NV Act is generally a Property Vegetation Plan (PVP) but can also be a development application. The method for assessing the 'improves or maintains environmental outcomes' principle is set down in the EOAM that prescribes certain circumstances where clearing cannot be approved. This includes the proposed clearing of remnant native vegetation that is not in "low condition" as defined by the NV Regulation if that vegetation is either:

- an over-cleared vegetation type or is in an over-cleared landscape (as defined in the EOAM); or
- is a listed Endangered Ecological Community (EEC) (within the meaning of the *Threatened Species Conservation Act 1995*).

Otherwise any clearing of native vegetation will generally require offsets to meet the 'improves or maintains environmental outcomes' test. The rules for determining offsets can result in offset requirements at a ratio of 10 to 1, or higher of similar vegetation and habitat to the cleared vegetation.

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TechnologyOne ECM Document Number: 2876162

The offsets must be normally secured under a PVP Registered on Title and managed in perpetuity for conservation outcomes as the impact of vegetation clearing is generally permanent.

Hunter-Central Rivers Catchment Action Plan (CAP)

Certification of environmental planning instruments is intended to be a collaborative process and to this end, the Hunter-Central Rivers Catchment Action Plan (CAP) and associated CAP targets should be considered in deliberations and/or studies preceding the development of this proposal and the draft standard Newcastle LEP.

The CAP is a whole-of government approach to natural resource management which has been endorsed by the NSW Government. It is a regional plan that provides a roadmap to ensure that natural resources are protected and enhanced for the enjoyment and viability of future generations.

The CAP includes management targets and guiding principles. The guiding principles are statements that outline how natural resources should be managed in the Hunter-Central Rivers region. They provide direction for all natural resource managers to achieve ecologically sustainable development and allow organisations to align their activities so that they are compatible with the CAP. This will ensure that the whole community (including government) can work towards a common goal. The CAP is available at <http://www.hcr.cma.nsw.gov.au>.

The CMA requests that the CAP guiding principles be considered during the assessment of this re-zoning proposal and in the preparation of the draft standard Newcastle LEP, in particular the land use guiding principles (see page 55 - 57). The following is a list of those guiding principles with particular relevance to this proposal.

1. New release areas for residential and industrial development should be restricted to lands without significant natural resource constraints, including those areas already cleared of native vegetation (including significant native grassland), areas outside rural resource land, areas with less than 20% slope or those not comprising highly erodible soils, including acid sulfate soils).
2. Residential development should be consolidated and in higher densities in existing centres, and around existing transport infrastructure, to reduce the demand for new 'greenfield' release areas;
 - a. The impact of development or landuse change should be minimised on natural landscapes that have significance for Aboriginal people;
 - b. The impact of the greenhouse effect on biodiversity should be taken into consideration in landuse planning;
 - c. The cumulative impacts of development activities on our natural resources should be taken into consideration in landuse planning.
3. The habitat of threatened species, communities and populations should be protected and, where possible, improved. Key threatening processes should be considered in planning landuse change.
4. Where practical, future development should be restricted to primarily cleared land. Where loss of vegetation is unavoidable, native vegetation offsets should be used.
5. Local environment plans should aim to manage native vegetation to be consistent with a regional approach to biodiversity management which coordinates policies from the Native Vegetation Act 2003 and other relevant legislation.
6. Local environment plans should ensure there is no growth in access to Basic Rights water, as a result of land subdivision, especially for sensitive or vulnerable ground or surface water sources.
7. The implementation of local environment plans should be based on the principle of integrated water cycle management including managing the demand for water, reusing water and current best practice stormwater management.
8. A co-ordinated approach to biodiversity management should ensure consistency between the CAP and Regional Conservation Plans (RCP) in identifying priority areas for offsets.

The Guiding Principle for Landuse Planning in the CMA's Catchment Action Plan (CAP) outlines that Local Environment Plans (LEPs) should aim to manage native vegetation to be consistent with a regional approach to biodiversity management. This includes the creation of biodiversity linkages and corridors.

The current proposal clearly does not meet this guiding principle as it proposes the clearing of significant remnant vegetation that contributes to the connectivity of the regional green corridor between Stockton Bight, Kooragang Island and Hexham Swamp in the north through Minmi to Mt Sugarloaf and the Watagan Ranges in the south.

The CMA is concerned that this and other adjacent land in the 'Western Corridors' currently zoned 7(c) *Environmental Investigation* is under consideration for conversion to E4 *Environmental Living* in the absence of any detailed mapping to determine ecological significance.

The CMA is of the view that land currently zoned 7(c) should be subject to detailed ecological assessment prior to any rezoning to ensure that the decision making process is properly informed. The CMA recommends that Council undertake the required ecological assessment to ensure that areas of land with ecological significance are included in the most appropriate environmental protection zone including E1 *National Parks and Reserves*, E2 *Environmental Conservation* and E3 *Environmental Management*. This principle will apply to all areas that are zoned 7(c) throughout the LGA and other areas that have environmental assets that have not been fully investigated.

Proposed Subdivision Layout

The proposed subdivision layout offers little opportunity for realising the required off-set areas for native vegetation and is not conducive to the creation of biodiversity linkages and corridors. It has a high 'edge to area ratio', thereby increasing potential edge effects and decreasing the longer-term viability of the site as habitat for threatened species and vegetation communities. Further offsets or mitigation measures would be required to achieve an 'improve or maintain' outcome for native vegetation.

If you require any further information please do not hesitate to contact Callaghan Cotter on 4938 4935 or Trevor Cameron, Catchment Officer, Projects on 4938 4937.

Yours sincerely



Dean Chapman
for Fiona Marshall
General Manager