



Office of
Environment
& Heritage

Your ref: MP06_0135
Our reference: DOC12/48132
Contact: Miles Boak 6229 7095

Sally Munk
Senior Environment Planner
Metropolitan and Regional Projects North
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms. Munk,

RE: Environmental Assessment 06_0135 Comberton Grange, South Nowra, Integrated Residential and Tourist Development .

I refer to your letter of 16 November 2012 seeking comments from the Office of Environment and Heritage (OEH) on the exhibited environment assessment associated with the project.

Overall, the design of the development has focussed on the previously cleared land, which is to be commended. OEH acknowledges that the 2012 Development Masterplan for the site protects the environmental values of the site to a much greater extent than the 2008 Preliminary environment assessment and zoning concepts.

The concept plan submitted for the 2008 preliminary assessment included the majority of the residential and tourist development within the intact native vegetation which forms part of the habitat corridor mapped as part of the Jervis Bay Regional Environment Plan 1996. Now, in the current proposal, the development footprints are largely confined to the cleared and disturbed areas of the site (including the former pine plantation), and have sufficient set-backs from Currumbene Creek. OEH supports this.

However, some other aspects of the proposed re-zoning and development remain inconsistent with previously agreed positions. The Independent Review Panel for the South Coast Sensitive Urban Lands Review (the Panel) delivered its findings in relation to the site in October 2006, and these were brought forward into the Department of Planning's South Coast Regional Strategy (the Strategy), as Appendix A2 of that Strategy.

The Panel, and the Strategy, identified that development of certain parts of the site would be considered acceptable provided adequate measures were taken to ensure that:

- Riparian vegetation is rehabilitated and protected;
- There is no significant disturbance to saltmarshes and mangroves along the banks of Currumbene Creek;
- There is no significant disturbance to other EECs on the site;
- Water quality of Currumbene Creek is maintained;
- There is no significant disturbance to areas with high cultural heritage values; and
- Sufficient natural vegetation is retained within habitat corridors on the site to maintain the integrity of these corridors.

The Panel and the Strategy both recommended that *"the most appropriate zone for this (the eastern) area under the Standard Instrument for LEPs would be Zone E1 National Parks and Nature Reserves"*.

It is noted the Environmental Assessment report proposes that these forested areas of the site are proposed to be preserved as environmentally sensitive area with no development undertaken on the land except for minor recreational trails and structures such as rest shelters and a Plan of Management developed for the area. However, *"the land is anticipated to be similarly zoned RU2 Rural Landscape"* (Page 232).

OEH considers that the RU2 zone is inconsistent with the recommendations of the Panel and the Strategy.

It is OEH's view that whilst the Panel recommendation for an E1 zone and transfer to National Park may not be feasible, the eastern section of the site (within the vegetated habitat corridor identified in the Jervis Bay REP 1996) should be zoned E2, with a minimum lot size that prevents future subdivision. The E2 zone would give effect to the recommendations of the Panel and the Strategy, recognises the important values as identified in the Jervis Bay REP 1996, and is consistent with the proponents stated aims to preserve the area. It is also essential to mitigate and offset the direct and indirect impacts of the project on biodiversity.

Other areas that should be subject to the E2 zoning (and large minimum lot size) include the wetlands and riparian corridor, including at least 50m setback from Currambene Creek and 30m either side of the other creeks on the site.

The Plan of Management for the E2 zoned land must be site-specific, rather than simply the adoption of Shoalhaven City Council's generic Plan of Management for Natural Areas. OEH would recommend that the proponents enter into a management plan and permanent protection of the lands in the E2 zone with a Voluntary Conservation Agreement under the *National Parks and Wildlife Act 1974*, a Trust Agreement under the *Nature Conservation Trust Act 2001*, a Conservation Property Vegetation Plan under the *Native Vegetation Act 2003*, or similar mechanism. The implementation of such an agreement, and funding of the management actions contained within the plan of management pursuant to such an agreement, should be made binding through the Ministers consent and other mechanisms.

OEH has reviewed the detailed assessment report on the environmental aspects of the proposal and the comments are provided at Attachment A.

If you require further information please contact Miles Boak, Conservation Planning Officer, on 02 6229 7095

Yours sincerely



MARK SHEAHAN

A/ Manager Landscape & Aboriginal Heritage Protection
Conservation & Regulation Division – South

Attachment A: Review of technical reports

ATTACHMENT A

1) *Conybeare Morrison Environmental Assessment Report October 2012.*

On the environmental aspects the following comments are made

- Section 8.3 Mitigation and Management measures proposes a package of compensation measures that will enhance the environment, wetlands and habitats on the property and offset the impacts on flora and fauna. It acknowledges directly there would be a loss of about 34.5 hectares of delineated habitat corridor under the Jervis Bay Regional Plan. Page 160
- Page 160 -As compensation for clearing part of the defined corridor near the pine plantation, it is recommended that the defined Jervis Bay corridor be modified to incorporate the forest in the eastern part of the subject land, which is arguably a part of the same habitat link. This is supported.
- Page 162 - It is noted report proposes a Plan of Management be prepared to guide management measures for the forested areas, for Currumbene Creek, for wetlands and riparian corridors. The plan will address matters such as interfacing with the development areas, access and passive recreation, pest control and rehabilitation of disturbed areas. Several key issues are recognised as important in these areas, particularly protection during construction activities, stormwater management following the completion of the development, water quality and rehabilitating the floodplain wetlands. The Plan will be developed in accordance with Shoalhaven City Council Generic Community Land Plan of Management –Natural Areas (July 2001). OEH would instead advocate for the development of a site-specific Plan of Management under one of several private land conservation instruments that provide for permanent protection of conservation lands, through registration on title. These include Voluntary Conservation Agreements (NPW Act), Trust Agreements (NCT Act), or Conservation PVP's (NV Act). The implementation of the management actions contained within a plan of management pursuant to these instruments should be made binding through the Ministers consent and other mechanisms.

2) *Biodiversity Assessment Proposed Shaolin Temple And Associated Developments Comberton Grange Kevin Mills and Associates May 2012*

The report has been reviewed for the adequacy of the flora and fauna assessment, and the following comments are made

GENERAL

- The aims of the survey should be more than to provide a list of species and descriptions of habitat – it should be to provide sufficient information on the threatened biodiversity of the area to enable thorough impact assessment.
- The maps of the study site should include the proposed development footprint overlain on mapped vegetation communities and threatened species record locations.
- Additional background information about other wildlife records and previous surveys (including survey effort) should be provided.
- Information presented in Table 13 regarding advice and actions to minimise impacts to specific threatened species is too general and needs more detail.

FAUNA

- There is not sufficient detail in the documentation of the survey effort, methods and locations of survey sites to properly assess the adequacy of the survey. The survey effort for each species listed in Table 3 should be detailed in Table 10 including: survey method/technique, no. of transects, traps (incl baits used) and trap nights, location of survey sites (trap transects, spotlight transects, bird surveys etc), dates, time and weather of survey. The location of each of the survey sites should be mapped in relation to the vegetation communities and the proposed development footprint.
- The survey effort for Eastern Pygmy Possum, Koala, Green and Golden Bell Frog and Giant Burrowing Frog is not documented in Table 10.
- The survey should include identifying and mapping all hollow bearing trees (as potential roost/nest/den sites for threatened species such as bats, cockatoos and owls that were recorded during surveys) and YBG feed trees within and adjacent to the development. Three transects to determine whether old growth forest is not adequate and too general to determine the impacts to more specific habitat attributes such as hollow-bearing trees.
- Surveys for Green and Golden Bell Frog were not adequate and were poorly documented. All of the freshwater wetlands and dams should have been surveyed using diurnal searches for basking frogs and spotlighting of wetlands and dams during warm nights in spring and summer.
- Surveys for Giant Burrowing frog should also include foot or road based transects on nights during or immediately following rain.
- Camera traps with appropriate attractants would be a better technique for detecting small and medium mammals (White-footed Dunnart, Spotted-tailed Quoll and Eastern Pygmy Possum).
- Given that both Glossy Black Cockatoo and Gang-gang Cockatoo were recorded on the subject site, breeding season surveys should have been conducted between March and May and September and December respectively, with the focus on the area of forest proposed to be cleared. A hollow-bearing tree survey would assist in targeting areas to surveys to detect breeding habitat.

FLORA

- The exact method of survey for the targeted threatened plants has not been specified. Several of the targeted threatened flora are cryptic orchids (plus a small forb), and Mills acknowledges that these species are hard to detect. OEH routinely recommends that survey for these should be done using parallel transects 5 m apart across the proposed development.
- It is not clear whether the above intensity of survey was employed by Mills and Associates. This level of survey should have been used in the area of native vegetation proposed to be cleared (that area is not clearly marked in the report). It appears that a wandering meander method was employed for the threatened plant survey - this might be OK for the larger shrubs and mallees.
- *Calochilus pulchellus* is another potential orchid on the site that was listed in the last couple of years.

- It seems a reasonable conclusion that at least the orchids would not persist in the previous farming land. The orchids could potentially have persisted in the groundcover of the pine forest if they existed there previously.

CONCLUSION

Overall, the design of the development has focussed on the previously cleared land, which is to be commended. Assuming that there are no threatened plants within the areas to be cleared, then the significance of the proposed development will largely depend on the impacts on threatened fauna. Given the direct and indirect impacts of the development, OEH would recommend that

- a) the proponents address the above points in a supplementary biodiversity report, which clearly demonstrates its findings, and demonstrates that the actions in (b) below adequately offsets direct and indirect impacts, including the reduction of the corridor width on the western edge, and
- b) the eastern forested parts of the site, including the wildlife corridor, riparian and wetland areas, be managed for conservation of biodiversity. This is best achieved with an E2 zoning, a large minimum lot size that prevents future subdivision, and funding to implement a plan of management under an instrument that provides for permanent protection of the site.

3) Aboriginal Cultural Heritage

OEH reviewed the Navin Officer Cultural Heritage 2012 report which is update version a previous reports for the site and has now included surveying the former pine plantation and concluded that:

1. The consultants report the finding and recording of a number of Aboriginal archaeological and heritage sites. OEH endorses the conclusions and recommendations made in respect of the survey, significance assessment and recommendations as outlined within their report.
2. The recommendations at the three isolated find sites where they can be located are salvaged prior to development if they are to be impacted upon by the development (if this is acceptable to the Jerrinja LALC), is endorsed.
3. The recommendation that Aboriginal sites CG3, CG4 and CD5 and the reported Aboriginal Burial ground CG7 are conserved without further development impact is endorsed.
4. All further planning decisions made in respect of the Aboriginal heritage sites should be undertaken in full consultation with the Jerrinja Local Aboriginal Land Council.