



# Nature Conservation Council of NSW

The voice for the environment since 1955

PO Box 137 Newtown NSW 2042  
Level 2, 5 Wilson Street Newtown NSW 2042  
**Ph:** 02-9516 1488 **Fax:** 02-8026 8301  
**Email:** [ncc@nccnsw.org.au](mailto:ncc@nccnsw.org.au)  
**Web:** [www.nccnsw.org.au](http://www.nccnsw.org.au)  
**ABN:** 96 716 360 601

Department of Planning  
Director Infrastructure Projects  
PO Box 39  
Sydney NSW 2001  
Friday, 1 April 2011

## **Re: North Nowra Link Road – Concept Plan Application No. 07\_0037**

The Nature Conservation Council of NSW (NCC) is the peak environment group in NSW. It has had a long association with the North Nowra Link Road issue and its implications for the integrity of the 250ha Bomaderry Creek Bushland.

NCC is aware that this road proposal to link two suburbs on the northern side of the Shoalhaven River has been under consideration by the Shoalhaven City Council for more than 25 years. There has been considerable debate about the most appropriate route for this road over that time.

The controversy about this proposal has centred on the Council's determination to push this local road through the middle of the Bushland. Community appreciation of the scenic and recreational values of the gorge were reflected in appropriate zoning of the Bomaderry Creek gorge in 1985 and by subsequent development of an excellent series of walking tracks centred on the gorge environment. This also led to the development of the Nerang Picnic Area, the main point of departure for visitors to access the walking track system and a very popular attraction in its own right. Council's preferred road route would pass within metres of the picnic area and destroy the view from a popular lookout point.

The biodiversity values of the Bushland were not appreciated by many in the local community until it was made known that a presumed extinct plant had been rediscovered in the Bushland. This plant, the Bomaderry Zieria (*Zieria baeuerlenii*), is found only in the Bushland and the original site of its discovery was found to be located on the route of the proposed link road. Many other plants and animals, now listed on State and Australian legislation as endangered or vulnerable, have been subsequently discovered in the Bushland. A total of four plants (two are listed both state and nationally) and 12 animals (two are listed both state and nationally) have now been recorded here. An endangered ecological community within the gorge has also been described. There is suitable habitat for two other nationally listed species in the Bushland (Spotted-tail Quoll and Broad-headed Snake) and as they are recorded at sites close to the Bushland, it is expected that they will eventually be discovered there also.

Regardless of this awakening to the very significant biodiversity values of the Bushland and its growing popularity with the local community and Shoalhaven visitors, the Council has never wavered in its determination to push the road through the middle of the Bushland.

In 1993, following Council's first attempt to gain approval for its preferred road option, a local resident appealed in the Land and Environment Court against the issuing of a licence to take or kill fauna by the National Parks and Wildlife Service (which was the only impediment in the way of Council at the time). The appeal was upheld in a landmark decision based on the Precautionary Principle.

As an outcome of a new awakening of the biodiversity values of the Bushland, the ACF (Shoalhaven) prepared a Bomaderry Creek Bushland Draft Plan of Management and placed it on display for community comment immediately following the outcome of the court case in late 1993. The Bomaderry Creek Landcare Group was formed in early 1994 to give effect to the need for on-ground management of the Bushland. This was followed by consistent advocacy for dedication of the Bushland under the National Parks and Wildlife Act.

During the late 1990s, NCC nominated the Chair of the Shoalhaven Branch of the Australian Conservation Foundation (a member group of the NCC) as its representative on a working group to consider the future conservation of the Bushland and to recommend to the Minister for Environment an appropriate course of action for achieving this objective. The group eventually presented a report to the Minister recommending the dedication of a regional park on the crown land currently available for reservation. This resulted in the dedication of 81 ha of the Bushland as the Bomaderry Creek Regional Park in 2002.

It had been expected at the time that the issue of a road through the Bushland was now finished and that Council would proceed with the preferable alternative of a route around its northern edge. Sadly this was not to be. Council raised the issue once again in 2005 by making an offer of part of the land in its ownership as an addition to the Regional Park in return for approval of a road through the Park. This would of course require the revocation of part of the Park by Act of Parliament. To the dismay of many in the local community and the NSW peak environment groups the State Government agreed to consider this proposal subject to preparation of an environmental assessment under Part 3A of the Environmental Planning and Assessment Act. The environmental assessment currently on display is the third attempt over the past six years by the Council to achieve this requirement. The two previous assessments were rejected as substandard.

The NCC submits that the current assessment is also substandard and should not have been placed on public display until a large number of errors and omissions had been rectified.

The assessment does not meet the Director General Requirements (DGRs) on a number of matters. For example: Council has not carried out a community consultation process as required by the DGRs; the assessment is not in accord with the 2007 DECC Threatened Species Assessment Guidelines as required by the DGRs; it is deficient in its consideration of the potential impacts of the route options on the conservation, cultural and recreational values and integrity of the Bomaderry Creek Regional Park; and the proposed measures to avoid or mitigate impacts associated with the proposal have failed to meet the required standards laid down in the DGRs of "...feasibility, effectiveness and reliability of these proposed measures".

NCC considers that the Northern Route (Option 3) should be selected by the Minister as the preferred route. The Northern Route would be located very close to the boundary of the Bushland and Regional Park and would, as the Council's assessment confirms, have less impact than the other options on the high conservation values of this natural urban environment. It would also obviate the need for referral of the matter to the Federal Government for assessment under the EPBC Act as no nationally listed species are known to occur on this Northern Route.

There are also strong arguments in favour of the traffic management benefits that this Northern Route would offer for both the current and future Shoalhaven populations on the northern side of the Shoalhaven River.

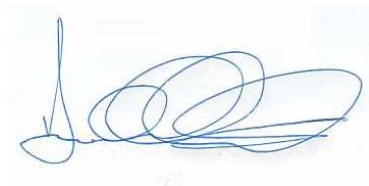
The Central Route (Option 1) and Southern Route (Option 2) would create two smaller bushland islands with an 80km per hour road (including a bridge across the scenic gorge) separating them, and imparting significant impacts on the threatened species and Aboriginal cultural heritage, recreational, educational and nature tourism values of the Bushland and Regional Park and expanding the edge effects of this already isolated urban bushland.

The land deal offer of 50 hectares of Council land for addition to the Bomaderry Creek Regional Park is not a mitigating factor as it is merely a transfer of management responsibilities from one government agency to another and would actually lead to a diminution of biodiversity values if a road through the centre of the Bushland were to be an outcome of such an arrangement.

This outstanding community resource can continue to be managed through the current very successful and proven management arrangements involving the relevant state and local government agencies and the community through the Bomaderry Creek Landcare/Bushcare Group. In fact, the financial resources currently available through this arrangement are greater than those available to DECCW via the State Treasury.

The NCC looks forward to an early resolution of this matter in the interest of the community's needs for protection and management of the Bomaderry Creek Bushland and improved traffic management.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Don White', with a stylized, cursive script.

Don White  
Chairperson  
Nature Conservation Council of NSW

