

Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Robert Byrne

2/11/2011

Dear Mr Byrne

Re: Exhibition of proposed Concept Plan for mixed used development – Tallawarra Lands, Yallah (MP09_0131)

Thank-you for the opportunity to comment on the above Concept Plan. Southern Rivers CMA has reviewed this Plan and details of our submission can be found in Attachment 1.

Catchment Management Authorities are approval authorities for clearing native vegetation under the *Native Vegetation Act 2003* (NV Act) and are responsible for implementing the objectives of the Act. These include:

- "to prevent broadscale clearing unless it improves or maintains environmental outcomes, and
- to protect native vegetation of high conservation value having regard to its contribution to such matters as water quality, biodiversity, or the prevention of salinity or land degradation".

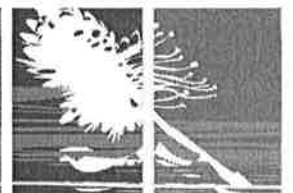
Catchment Management Authorities are also responsible for development and implementation of Catchment Action Plans. The Southern Rivers Catchment Action Plan sets long term direction and a strategic framework for natural resource management activities and investment through a series of catchment and management targets. Southern Rivers CMA supports activities that achieve the objectives of the NV Act and the targets of the Catchment Action Plan.

If you wish to discuss this submission further, please contact the Landscape Manager, Shoalhaven Illawarra, Chris Presland on 44294444.

Yours sincerely



Chris Presland
Landscape Manager (Shoalhaven Illawarra)



Attachment 1: Southern Rivers CMA - comments on "Concept Plan for mixed use development – Tallawarra Lands, Yallah".

Introduction

The management of remnant vegetation within the Tallawarra Lands is highly significant in the context of biodiversity conservation in the Illawarra due to:

- Its extensive rural frontage to Lake Illawarra,
- Its location within the east west Yallah Regional Biodiversity Corridor,
- The broad range of vegetation types present,
- The large number (11) of threatened species recorded on site, and
- The presence of 6 listed Endangered Ecological Communities (EECs).

Southern Rivers CMA would like to offer the following comments in regard to its legislative responsibilities under the NV Act, and the targets of its Catchment Action Plan (CAP).

1. Issue: The Environmental Assessment report, the Ecological Assessment Report and the Vegetation Management Plan do not address the *Native Vegetation Act 2003* (NV Act).

Comments:

The *Native Vegetation Act 2005* (NV Act) does not apply to Part 3A developments under section 75U, Part 3A of the *Environmental Planning and Assessment Act 1979*. However, future individual developments requiring the clearing of native vegetation may require approval under the NV Act, unless the clearing is otherwise excluded or permitted under that Act.

Of specific concern is a statement in the Vegetation Management Plan (pg. 22): "...*Swamp oak has been observed invading areas of Coastal Saltmarsh.....If this species is observed invading areas of Coastal Saltmarsh it will be controlled by the cut and paint method.*" Prior to clearing any native vegetation (including swamp oak, which is often a component of floodplain and estuarine EECs), requirements of the NV Act and other relevant legislation must be addressed.

Recommendation: Southern Rivers CMA recommends that:

- The NV Act be addressed in the appropriate sections of the Environmental Assessment Report, the Ecological Assessment Report (section 2.3 titled "NSW Legislation") and the Vegetation Management Plan.
- Future parties with interest in developing or managing the land be made aware of their responsibilities under this legislation.

2. Issue: Extent of clearing Endangered Ecological Communities (EECs) on site, in particular Illawarra Lowlands Grassy Woodland.

Comments: The Ecological Assessment Report states that up to 3.28 ha of the Illawarra Lowland Grassy Woodland EEC will be lost or modified. Southern Rivers CMA considers this to be a significant loss of an EEC. Furthermore, approximately 1.09 ha of other EECs will also be cleared.

One of the targets of "*The Southern Rivers CMA Catchment Action Plan (CAP)*" is that "by 2016 the regional status of priority threatened and regionally significant species, ecological

communities and populations within the Southern Rivers catchment is maintained or improved". The CAP lists all of the EECs that occur on site as "priority vegetation types for management and protection", with Illawarra Lowland Grassy Woodland, Swamp Sclerophyll forest, Illawarra Subtropical Rainforest and Swamp Oak Floodplain Forest given the highest priority.

Additionally, Southern Rivers CMA is concerned that further fragmentation and degradation of these communities will occur through clearing for bushfire protection, collection of firewood, recreational use such as pedestrian, motorbike and bicycle tracks, provision of utilities, rubbish dumping etc.

Recommendations: Southern Rivers CMA recommends that:

- Clearing of Illawarra Lowlands Grassy Woodland be further reduced given its high conservation significance. A map showing EECs to be cleared was not provided in the reports, however it is assumed that this community will be cleared in the south western corner of the north shore precinct, and also the south western corner of the Lakeside precinct. These areas should be redesigned to further minimise clearing of the EEC, ensuring that required bushfire protection measures are contained within existing cleared areas.
- Legally binding conservation agreements be placed on areas of Illawarra Lowland Grassy Woodland to be retained to ensure that existing vegetation is protected and enhanced. These conservation agreements should specify management actions for a minimum of 10 years. Potential locations for these agreements include:
 - Zone 6: Western Edge – central area containing the threatened species *Chorizema parviflorum* (6 ha), and
 - Zone 9: Mt Brown reserve (31 ha).
- A legally binding agreement/s also be placed on Zone 2: Wetlands Environmental Reserve (81 ha).
- Numerous types of conservation agreements are available. The CMA offers two types of conservation agreements. Management Agreements are between a landholder and the CMA and define how areas are managed over fixed time periods. Conservation Property Vegetation Plans (PVPs) provide a management plan for a site over a fixed period or in perpetuity and can be placed on title.

3. Issue: Ownership of conservation areas is uncertain.

Comments: The Vegetation Management Plan (VMP) provides a plan for managing vegetation on the site. Ensuring that this vegetation is managed as proposed is not adequately addressed in the Plan. The Plan states that certain land will be taken over by Wollongong Council or the Lake Illawarra Authority, however there is no evidence that these bodies are committed to this. Consequently, it is uncertain who will carry out ongoing management of conservation areas, and also reporting and monitoring of weed control and revegetation works. Significant investment in revegetation and weed management is proposed and therefore it is essential that this issue be addressed prior to approval.

Recommendation: Southern Rivers CMA recommends that ownership of conservation areas be secured prior to approval.

4. Issue: The short term focus of the Vegetation Management Plan and the need for better management of existing areas.

Comments: It is noted that the management intent for significant remnant vegetation areas (VMP, pg 14) places a very high emphasis on noxious and environmental weed control over a relatively short period of time. The VMP (pp38-40) provides a breakdown of bush regeneration and revegetation works for implementation over a 5 year period, but does not specify how such works will be maintained beyond that time frame. This is a matter of concern because:

- a. it is likely that the extent of weed removal, particularly Lantana could result in a loss of species diversity in the area (eg. woodland birds which rely on lantana for habitat), and
- b. given the large scale of bush regeneration works proposed over the 5 year period, it is doubtful that secondary, or re-established weeds will be under control within this period.

Recommendation: Southern Rivers CMA recommends that:

- The VMP addresses vegetation management issues beyond Year 5, preferably over a period of 15 years. Methods of controlling secondary or re-established weeds over this time period should be addressed.
- Better management of existing vegetation be prioritised. This could include placing conservation agreements on retained vegetation, exclusion of stock, methods to protect areas from firewood collection, not mowing/slashing groundcovers, protecting natural regrowth, preventing human access to areas etc.

Reference:

Southern Rivers CMA (2007) *Catchment Action Plan* Southern River Catchment Management Authority, Wollongong.