

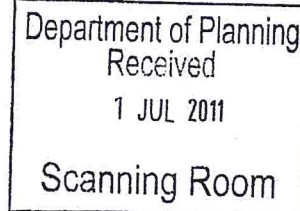


Office of
Environment
& Heritage



Our reference: DOC11/26151; File: FIL10/14749
Contact: Steve Lewer 02 4908 6814

Enguang Lee
Planner
Metropolitan and Regional Projects North
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Mr Lee

Part 3A Major Project (07_0010) Concept Plan and Project Application Proposal for Residential, Commercial and Tourist Development and Environmental Works at Ocean Drive Lake Cathie, Port Macquarie-Hastings Local Government Area – Assessment of additional EEC information.

Reference is made to your email dated 1 June 2010 seeking comments from the Office of Environment and Heritage (OEH) on the above proposal regarding the identification of an area of 'Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions' endangered ecological community (EEC) along the western boundary of the proposal, near Duchess Gully. OEH also notes that a small area of 'Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner Bioregions' EEC is also present in the south-western corner of the proposal, directly associated with Duchess Gully. OEH understands that this is not mapped as SEPP 26 – Littoral Rainforests.

OEH has reviewed the current information provided and determined that it does not object to the proposed buffer recommendations (i.e. essentially a 29 m buffer with the inclusion of the easement) for the western boundary of the proposal associated with a linear strip of Swamp Oak Floodplain Forest EEC.

In regard to the area of Littoral Rainforest EEC OEH is of the opinion that the above buffer dimensions should not apply to this EEC. OEH considers this EEC to be poorly represented and geographically restricted in NSW, and as such is of the opinion all efforts should be made to retain an appropriate buffer around this community to afford its long-term protection. OEH concurs with the views put forward by the consultant Dr. Stephen Phillips, in correspondence (dated 9 May 2011), that this vegetation represents a 'rainforest' EEC (likely littoral) and that it has '*intrinsic value independently of either its conservation status or small patch size*', given that it provides important connective nodes to locally important remnant vegetation (e.g. the patches of natural vegetation associated with the proposed 'Central Corridor' associated with adjacent Rainbow Beach / Bonny Hills major project (MP 06_0085 and MP 07_0001).

In light of OEH opinion that the area of EEC associated with Duchess Gully is 'Littoral Rainforest' we reiterate our previous advice, in that the following condition should be applied to areas of littoral rainforests on the site (*NOTE: the condition has been modified from our previous correspondence [dated 20 December 2010] due to the Duchess Gully area not being mapped under SEPP 26):

The Department of Environment, Climate Change and Water is now known as the
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- For any areas mapped as littoral rainforests under 'State Environmental Planning Policy (SEPP) No 26—Littoral Rainforests' a 100 m buffer must be retained between these areas and any proposed development. SEPP 26 Littoral Rainforests are located to the east of the proposal. A minimum 50 metre buffer must be retained between any proposed development on the subject site and any other areas of littoral rainforests consistent with the NSW Scientific Committee Final Determination (NSW Scientific Committee [2004] *Littoral rainforest in the NSW North Coast, Sydney Basin and South East Corner bioregions - endangered ecological community listing – Final Determination*) but not mapped as SEPP 26 Littoral Rainforests.

Reason:

The exhibited EA recommends a 40-60 m buffer, however, this buffer is not in accordance with SEPP 26 – Littoral Rainforests, which recommends a 100 m from the outer edge of land mapped as littoral rainforests. OEH recommends consistency with this State Environmental Planning Policy and that a minimum buffer of 100 m is applied. For non-SEPP littoral rainforest EEC OEH considers a minimum of 50 metres must be retained to protect these 'environmentally sensitive areas'.

If you have any questions, or wish to discuss this matter further, please contact Mr Steve Lewer on 4908 6814.

Yours sincerely



27-6-11

PETER JAMIESON

**Head Regional Operations Unit – Hunter Region
Office of Environment and Heritage
Department of Premier and Cabinet**