

All communications to be addressed to:

Development, Assessment & Planning  
NSW Rural Fire Service  
Locked Mail Bag 17  
Granville NSW 2142

Head Office

NSW Rural Fire Service  
15 Carter Street  
Lidcombe NSW 2141



Telephone: (02) 8741 5555  
e-mail: development.assessment@rfs.nsw.gov.au

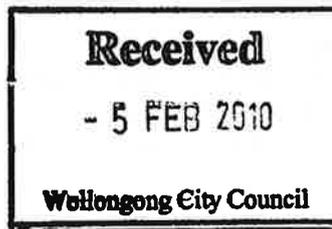
Facsimile: (02) 8741 5550

The General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500

Your Ref:

Our Ref: L08/0136  
HQ09/1316

ATTENTION: David Green



1 February 2010

Dear Mr Green,

**Re: Draft Review of 7(d) Lands at Helensburgh, Otford and Stanwell Tops**

I refer to your letter dated 8 September 2009 seeking comments on the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops

The NSW Rural Fire Service (RFS) notes that the subject areas are mapped as bush fire prone on the Wollongong Bush Fire Prone Land Map. Development within the subject areas will be subject to the requirements of Section 79BA of the *Environmental Planning and Assessment Act 1979* and Section 100B of the *Rural Fires Act 1997*.

The requirements of *Planning for Bushfire Protection 2006* should be considered for any proposed lots with dwelling entitlements. In particular the following should be addressed:

- Asset protection zones (APZ) in accordance with Table A2.4 of *Planning for Bush Fire Protection 2006*. As indicated in the Bush Fire Safety Compliance Report prepared by Roger Fenwick dated May 2009 boundary adjustments may be required to accommodate the required setbacks.
- Public access in accordance with section 4.1.3 of *Planning for Bush Fire Protection 2006*. This includes the provision of internal and perimeter roads where applicable.
- Water supply for fire fighting purposes in accordance with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
- Construction of future dwellings in accordance with Appendix 3 of *Planning for Bush Fire Protection 2006* and AS3959 – *Construction of Buildings in Bush Fire Prone Areas*.

Noted - No ack required

- Landscaping in accordance with Appendix 5 of *Planning for Bush Fire Protection 2006*.
- Emergency evacuation measures in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

The RFS does not support the creation of lots with dwelling entitlements where the APZ requirements of *Planning for Bush Fire Protection 2006* cannot be met within the property boundaries. It should be noted that the requirements for APZ's may conflict with the planning controls for the area that seek to protect the sensitive bushland areas.

The Bush Fire Safety Compliance Report indicates varying slopes across the site and includes slopes greater than 15 degrees in some circumstances. Minimum APZ of 60 metres are required for lots with an effective slope of greater than 15 degrees. Maintenance of slopes greater than 18 degrees poses difficulties and is likely to conflict with the planning controls for the area that seek to protect the sensitive bushland areas.

The Bush Fire Safety Compliance Report indicates that for Area 2 there is a reliance on Council maintaining vegetation to the south. To support development in this area the RFS would require a commitment from Council that this area will be maintained to APZ standards in perpetuity.

To support development in areas subject to the review, the RFS would require detailed plans demonstrating that a building envelope and APZ in accordance with *Planning for Bush Fire Protection 2006* can be provided within property boundaries for any proposed lots with a dwelling entitlement.

For any enquiries regarding this correspondence please contact Danielle Meggos.

Yours sincerely

  
per

Corey Shackleton  
**A/Team Leader - Development Assessment & Planning**

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](http://www.rfs.nsw.gov.au) and search under *Planning for Bush Fire Protection 2006*.

- E09/47225



**Australian Government**

**Department of the Environment, Water, Heritage and the Arts**

Contact Officer: Trish Randell  
Telephone: (02) 6275 9295 Facsimile: (02) 6274 1878

Mr David Farmer  
General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500



Dear Mr Farmer

The Department is aware that the Wollongong City Council is currently considering a rezoning proposal in the vicinity of Helensburgh, Otford and Stanwell Park to allow development on land currently zoned for environment protection. I am writing to you to provide information about the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and how the Act could apply to the land, if the rezoning proceeds.

The EPBC Act protects matters of national environmental significance. Matters of national environmental significance include World and National Heritage places, wetlands of international importance, nationally listed threatened species and ecological communities, and listed migratory species, among others. As you would be aware, a matter of national environmental significance which is relevant in this area is the Royal National Park and Garawarra Park State Conservation Area National Heritage place, which is in close proximity to the land proposed for rezoning. There are also numerous listed threatened flora and fauna species which could be present in the subject area.

A decision by a government body to authorise rezoning to enable development does not constitute an action for the purposes of the EPBC Act. However, the EPBC Act may apply to subsequent development within the area that has been rezoned.

A person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal to the Department for a decision on whether approval under the EPBC Act is needed. Substantial penalties apply to a person who takes such an action without approval. The Department advises whether or not approval is needed within 20 business days.

If the rezoning proceeds, it would be appreciated if Wollongong City Council could ensure that developers of the land are made aware of the EPBC Act and the potential need for referral. The Department would be happy to contact developers directly if the Council is able to supply details. Further information about the EPBC Act can be obtained from <http://www.environment.gov.au/epbc/index.html>.



Ack sent 4/11/09

Should you have any queries about the matters raised in this letter, please call the contact officer, Trish Randell, on (02) 6275 9295.

Yours sincerely



Dr Jan Klaver  
Director  
EPBC Compliance Section (WA)

29 October 2009

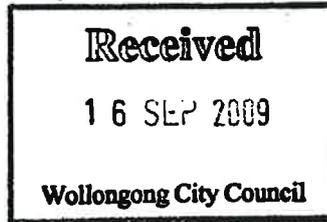
E09/42312



PO Box 323 Penrith NSW 2751  
Level 4, 2-6 Station Street  
Penrith NSW 2750  
Tel 1300 722 468 Fax 02 4725 2599  
Email [info@sca.nsw.gov.au](mailto:info@sca.nsw.gov.au)  
Website [www.sca.nsw.gov.au](http://www.sca.nsw.gov.au)

Ref: D2009/04863

Mr David Green  
Land Use Planning Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500



Dear Mr Green

**Draft Review of 7(d) Lands at Helensburgh, Otford and Stanwell Tops**

I refer to your correspondence dated 31 August 2009 referring to the community and agency consultation on the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops. The Sydney Catchment Authority notes that the proposal is located outside of the Woronora Dam drinking water catchment and therefore is unlikely to impact on drinking water quality.

The SCA is however supportive of the Council's intention to zone land from 7(d) to E3 Environmental Management with similar land uses and restrictions.

If you wish to discuss any matter raised in this letter please contact Karen Fitzherbert on 4724 2448 or via email [karen.fitzherbert@sca.nsw.gov.au](mailto:karen.fitzherbert@sca.nsw.gov.au)

Yours sincerely

  
PAUL GRIMSON  
Manager Planning and Assessment

Ack sent 17/9/09

- E09/44684

Ack. letter  
sent  
16/10/09



ABN 93695453413

Ground Floor, Macquarie Tower,  
10 Valentine Ave, Parramatta. NSW 2150  
PO Box 3720, Parramatta. NSW 2124.  
Tel: 02 9895 7898 Fax: 02 9895 7330  
Internet: www.cma.nsw.gov.au

File Ref: CMA000417  
Letter No: 0604065  
Contact: Karen Kennedy  
Phone: 9895 6265  
Email: karen.kennedy@cma.nsw.gov.au

9 October 2009



David Green  
Land Use Planning Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500

Dear David

**Re: Draft Review of 7(d) Lands at Helensburgh, Otford and Stanwell Tops**

I refer to your letter of 8 September 2009 requesting comments on Councils proposal for draft 7(d) Review of lands in the vicinity of Helensburgh, Otford and Stanwell Tops.

In response I wish to advise that the Sydney Metropolitan CMA does not support the rezoning of 7(d) lands from E2 Environmental Conservation to E3 Environmental Management under the draft Wollongong LEP for the following reasons:

- ❖ The proposal is inconsistent with the natural resource management principles that are contained in the Sydney Metropolitan CMA Catchment Action Plan (CAP). The CMA encourages all councils to incorporate the intent of the targets contained within the CAP into planning instruments, environmental management plans and other strategic documents.
- ❖ The proposal appears to be inconsistent with the biodiversity outcomes of the Department of Planning's 2006-31 Illawarra Regional Strategy which supports the maintenance and enhancement of the region's biodiversity and protection of Significant Native Vegetation and Indicative DEC Regional Habitat Corridors. The proposal does not explain how it will meet the Threshold Sustainability Criteria for Environmental Protection outlined in this Strategy.
- ❖ SMCMA believes the recommendations of the 1994 Commission of Inquiry still remain valid and that the required studies have not been undertaken to justify a change in zoning which could potentially allow residential development on up to 300 lots
- ❖ SMCMA promotes the protection and enhancement of native vegetation corridors that connect existing native vegetation remnants. The aim is to improve biodiversity by increasing the connectivity of

vegetation and habitats and also to increase resilience to impacts from urban development. The CMA is concerned that this proposal will result in loss of fauna habitat and corridors, an increase in weed invasion and increased domestic animal predation on native wildlife. The need for asset protection zones around dwellings will further encroach into surrounding habitat.

- ❖ A recent study undertaken by the former Department of Environment & Climate Change (DECC) for the CMA "Rapid Fauna Habitat Assessment for the Sydney Metropolitan Catchment Management Authority Area DECC June 2008, identifies the area as having a very high fauna values. "The area forms an important component of the Illawarra Escarpment Moist Forest Fauna Linkage connecting rainforest and wet sclerophyll forest habitats in Royal National Park to extensive areas of similar habitat in the Illawarra" The greatest threat listed for the area is habitat loss due to land development and water quality of the Hacking River. The proposed rezoning and subsequent development would result in both threats being realised. The report is available for downloading off the CMA's website at [www.sydney.cma.nsw.gov.au](http://www.sydney.cma.nsw.gov.au)
- ❖ SMCMA promotes the protection of native vegetation and threatened species. The Native Vegetation Act 2003 applies to land within the Wollongong Local Government Area and reference to it should be included as part of the legislative framework which regulates development in the area.
- ❖ DECCW have just had completed comprehensive vegetation mapping for the CMA area "Draft Native Vegetation of the Sydney Metropolitan Catchment Management Authority Area" DECCW September 2009. This mapping is indicating that areas around Lady Carrington Estate South Precinct, Lady Carrington Estate North Precinct, Gills Creek and Wilsons Creek precinct contain "Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion" which is listed as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995. SMCMA does not support any proposal that would adversely impact on this community.

Should you have any further queries, please contact Karen Kennedy on 9895 6265

Yours sincerely



John Carse  
General Manager

E09/45229



**Corporate/Land Information Services**

Telephone: (02) 9620 0218  
Your Ref: ES&P:DG  
Our Ref: 4448  
File No: 2003/2429

Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500  
Attn:David Green

Central Region - Metropolitan Area  
Old Wallgrove Road Wallgrove  
PO Box 87 Horsley Park  
New South Wales 2175 Australia  
Facsimile (02) 9620 0728  
Telephone (02) 9620 0777  
Web <http://www.transgrid.com.au>



Dear David,

Draft Review of 7(d) Lands @ Helensburgh, Otford & Stanwell Tops

I refer to your correspondence dated 7 September, 2009, concerning the abovementioned matter.

The suburb of Helensburgh is affected by an easement owned and maintained by TransGrid for a 330kV Transmission Line. Refer to the attached plan.

Transmission Line easements are acquired by TransGrid to provide adequate working space along the route of the transmission line for construction and maintenance work and also to ensure that no activity is undertaken near the transmission line which could create an unsafe situation for either persons or the transmission line.

Any proposed development within an easement area will be subject to the prior written approval of TransGrid. The subdivision of any land within the easement for residential/industrial purposes will be conditional to various restrictions.

The suburbs of Otford and Stanwell Tops are clear of any TransGrid interests.

As this is only a Draft Review, TransGrid has only provided Council this information as general guideline to its interests in this area.

If Council wants more detailed information on the restrictions applicable to any proposed development within an easement area then please advise.

It is hoped the above information will be of assistance to you.

Should you require further information, please feel free to contact Mr David Turvey on (02) 9620 0218.

Yours faithfully

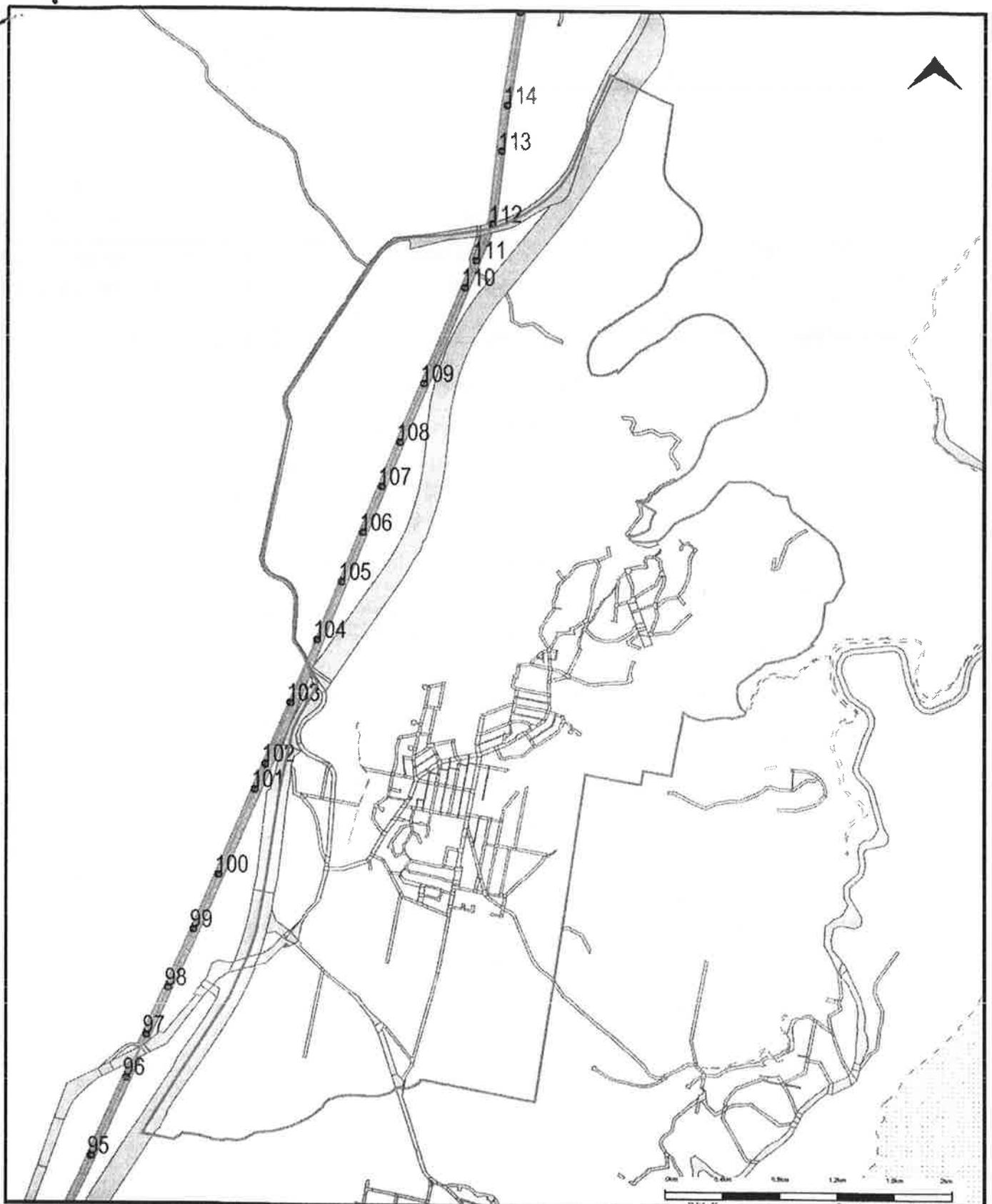
D Turvey  
Enquiry Services Co-ordinator

15/10/09

Ack. sent 19/10/09

R:\Adm\_common\Mr Turvey\15100901.doc





**Legend**

Easements [Property]

 DAPTO - SYDNEY SOUTH 330KV TL



**TransGrid**

HELENSBURGH

Property of Transgrid. No warranty is given that information shown is complete or accurate.

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15/10/2009 08:01:09

Created by: p67912

A4

- E09/49291

Our Ref: 497.5351 (09/1449)  
Contact: Nicole Stevenson (4221 2523)  
Your Ref: ES&P:DG



Received  
24 NOV 2009  
Wollongong City Council

The General Manager  
Wollongong City Council  
Locked Bag 8821  
South Coast Mail Centre 2521

Attention: David Green

**WOLLONGONG CITY COUNCIL – EXHIBITION OF THE DRAFT WOLLONGONG LOCAL ENVIRONMENTAL PLAN (LEP) 2009**

Dear Sir

Reference is made to correspondence sent to the RTA regarding the exhibition of the Draft Review of 7(d) Lands at Helensburgh, Otford and Stanwell Tops.

The RTA has reviewed the information provided and offers the following comments for your consideration:

**Area 1 – Wilsons Creek and Garrawarra Hospital**

As indicated in the RTA's response to the Draft Wollongong LEP, the RTA does not support direct access to the Old Princes Highway (MR678) therefore all access would need to be via Parkes Street. Consideration should be given to any impacts on the junction of the Old Princes Highway and Parkes Street. In this regard, intersection modelling should be undertaken considering AM and PM peaks for a current and 10 year scenario. The modelling should consider the likely traffic generation from the site. Electronic copies of the modelling and associated traffic analysis should be forwarded to the RTA for consideration. Where necessary, the developer should identify works required to ameliorate the impact of traffic associated with the rezoning.

**Area 2 – Lady Carrington Estate North and Colliery Precinct**

The RTA does not object to the proposed rezoning.

**Area 3 – Lady Carrington Estate South Precinct**

The RTA does not object to the proposed rezoning.

**Area 4 – Otford Precinct**

Given sight distance limitation along Lawrence Hargrave Drive, the RTA requests that access options be investigated prior to any rezoning of the land to allow an intensification of residential development within the precinct. This includes investigation options to minimise direct access to Lawrence Hargrave Drive through the provision of local roads etc. The RTA would not support access to Lawrence

Roads and Traffic Authority

Level 4, 90 Crown St Wollongong NSW 2500  
PO Box 477 Wollongong NSW 2520 DX 5178 Wollongong  
www.rta.nsw.gov.au | 02 4221 2460

G:\Client Services\Development\Planning LUPDAPS\Correspondence\Wollongong\091449.doc

Ack sent 10-12-09

Hargrave Drive for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTRROADS Standards.

**Area 5 – Kellys Fall Precinct, land Pooling and Lloyd Place**

The RTA requests that access options be investigated prior to any rezoning of the land to allow an intensification of traffic generating development within the precinct. This includes investigation options to minimise direct access to Lawrence Hargrave Drive through provision of local roads etc. The RTA would not support access to Lawrence Hargrave Drive for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTRROADS Standards.

**Area 6 – Gill Creek Precinct, West of F6 and Princes Highway Precinct**

The RTA requests that access options be investigated prior to any rezoning of the land to allow an intensification of traffic generating development within the precinct. This includes investigation options to minimise direct access to the Princes Highway and Lawrence Hargrave Drive through provision of local roads etc. The RTA will not permit direct access to F6 Southern Freeway. The impact of the traffic generated by the potential rezoning on existing junctions should also be considered. The RTA would not support access to the State Road Network for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTRROADS Standards.

Should you require any clarification on the above please contact Chris Millet on 4221 2570.

Yours faithfully



Trish McClure  
Manager, Road Safety and Traffic Management  
Southern Operations and Engineering Services

18 NOV 2009

E09/49939

Our reference: DOC09/44290  
Contact: Marnie Stewart ph 9956861

Mr David Green  
Land Use Planning Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG 2500

Received  
1 - DEC 2009  
Wollongong City Council

Dear Mr Green

**Draft Review of 7(d) Lands at Helensburgh, Otford and Stanwell Tops**

I refer to your letter dated 8 September 2009 inviting comment from the Department of Environment, Climate Change and Water (DECCW) on the exhibited draft Review of the 7(d) lands Helensburgh, Otford and Stanwell Tops.

It is understood that the outcomes of this desktop planning are to inform a revised planning and zoning framework for the area. Furthermore, that the proposals as a result of this desktop study will be the subject to the preparation and exhibition of revised draft planning instruments.

DECCW has reviewed council's report and provides comments in Attachment 1 and 2 for consideration. DECCW notes and strongly supports the application of the E2 Environmental Conservation zone over lands supporting high conservation value habitats and identified wildlife corridors. As detailed in the attachment, DECCW will make further comment if Council determines to progress a planning proposal for the Land Pooling Precinct and Lady Carrington Estate South.

DECCW looks forward to continue working with Council on this planning matter. If you have any queries regarding this matter please contact myself on 9995 6802 or Marnie Stewart, Conservation Planning Officer, on 9995 6861.

Yours sincerely

*Lou Ewins* 26/11/09

**Lou Ewins**  
**Manager Planning and Aboriginal Heritage**  
**Metropolitan Branch**  
**Environment Protection and Regulation**

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water  
Department of **Environment and Climate Change** NSW



Acc sent 10-12-09

**ATTACHMENT 1 - Comments on Draft Review of 7(d) lands at Helensburgh, Offord and Stanwell Tops prepared by Willana Associates Pty Ltd.**

As an overall comment, DECCW generally supports Council's vision and planning principles for the study area which include to preserve and enhance the conservation value of all significant vegetated areas, to protect threatened species, to protect and facilitate the enhancement of water quality of the Hacking River catchment and to minimise environmental impact of existing and future development.

It is acknowledged that the report recommends the majority of the study area retain its environmental zoning and that the E2 Environmental Conservation zoning apply to lands that support undisturbed bushland, riparian corridors and are steep. This is also supported.

**Proposed Zonings**

DECCW supports the majority of the proposed zonings for the upper Hacking catchment in the exhibited draft report as most of the lands supporting high conservation value habitats and identified wildlife corridors have been zoned E2 Environmental Conservation.

Specific comments on precincts are provided below.

**Map 2 – Lady Carrington Estate North and Colliery Precinct**

Lt 1 DP 324239 east of the railway line in Camp Creek and within the Lady Carrington Estate North and Colliery Precinct appears to be zoned E3 (pg 59). DECCW recommends that this site be zoned E2 given its position east of the railway line and immediately adjacent to Garawarra State Conservation Area, and that it is largely forested.

**Map 3 - Lady Carrington Estate South Precinct**

DECCW supports the proposed use of the E2 zone over a significant portion of this precinct.

The report also indicates that land adjacent to the land pooling site that is cleared and under one ownership "is a logical extension to the Helensburgh urban area" and is recommended for residential and private recreation zonings subject to further site investigations through the local environmental study process. Should Council proceed to a planning proposal, DECCW will provide further comments on relevant specific issues including biodiversity, Aboriginal cultural, water quality, impacts on DECCW estate and broader catchment matters.

**Map 5 – Kellys Falls Precinct, Land Pooling and Lloyds Place**

Lloyds Place - Council's position that lots in the Lloyd Place area have very high conservation and wildlife corridor value and should not be developed is supported. DECCW strongly supports the recommended E2 zoning.

Council's 'Ordinary Meeting of Council' report dated 28 July 2009 includes a number of mechanisms to provide the owners with an 'exit strategy' as the E2 zone does not permit dwelling houses, however Council's report notes that the options need to be further evaluated. DECCW would like to be part of the future discussions and evaluation.

Land Pooling land – the draft review report indicates that this area also provides a "logical extension to the Helensburgh urban area", however, much of it is uncleared and issues related to infrastructure servicing still need to be resolved. The report recommends a residential zoning subject to addressing threatened species, offsets, bushfire protection and the issue of how the land will be serviced. It is understood that until these issues are resolved through an LES process, the land cannot be rezoned.

Should Council proceed to a planning proposal for this site, DECCW will provide further comments on relevant issues including biodiversity, Aboriginal cultural heritage, impacts on DECCW estate and broader catchments matters.

#### **Lands identified as potential additions to DECCW estate**

The draft review report identifies lands that may be suitable for incorporation into DECCW estate. As a general comment, any potential addition to DECCW estate would need to be assessed on a case by case basis having regard to the DECCW policy for dedication or acquisition. Should any of the land owners wish to pursue dedication or acquisition, it is recommended that Council and land owners contact DECCW to further discuss.

#### **Riparian Corridor Management Study**

DECCW notes that the draft review report references the Riparian Corridor Management Study (RCMS). Any future planning proposals should be consistent with the RCMS.

#### **Other Studies**

DECCW notes that the draft report does not fully reference the work previously done by NPWS on biodiversity values and wildlife corridors in three reports "*The Upper Hacking Catchment a Natural Resource Survey*", the "*Bioregional Assessment Study Part 2: Fauna of the Illawarra Escarpment, Coastal Plain and Plateau*" and "*Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Authority Area*". DECCW recommends that the draft report incorporate the findings and outcomes of these studies.

## **ATTACHMENT 2 - Biodiversity and wildlife corridor values**

The following information provides detail on the biodiversity and wildlife corridor values in the Hacking Catchment and northern Illawarra Escarpment to assist Council with its planning decisions and review of the 7(d) lands.

### Habitat values

The moist forests of the upper Hacking Valley provide important habitat for many moist forest fauna. This region is a stronghold for the Sooty and Powerful Owls and the Masked Owl is also regularly recorded. Rainforest specialists such as the Green Catbird, Emerald Dove, Yellow-throated Scrubwren, Grey Goshawk and Logrunner are also found there. The upper Hacking Valley is one of the most easterly locations of the Mountain Brushtail Possum, another moist forest specialist. The Greater Glider was last recorded in the Hacking catchment in Royal NP immediately after the 1994 wildfires but appears to have become locally extinct, probably from the fire and the resulting loss of large hollow trees and possible high predation pressure immediately after the fire (Andrew 2001). The only opportunity that this species has to recolonise the Hacking Valley and consequently the Royal NP is through the moist forest corridor of the upper Hacking catchment to the moist forests of the Illawarra Escarpment. The recent discovery of a colony of Little Bent-wing Bats at Stanwell Park (DECC 2008) forming the southern most limit of the species distribution, is a significant range extension of a coastal tropical species that favours well timbered habitats.

The dry forests, woodlands and shrublands of the Wilsons Creek catchment provide habitat for dry forest species such as the Red-crowned Toadlet, Rosenberg's Goanna, Rockwarbler, Eastern Pygmy Possum, Koala and Eastern Freetail Bat

### Wildlife Corridors

Important wildlife corridors exist between the Royal National Park (NP) and Garawarra State Conservation Area (SCA) and the Illawarra Escarpment and the Woronora Catchment Area. A moist forest corridor extends from Royal NP and Garawarra SCA through the upper Hacking Valley east of Helensburgh linking to the Illawarra escarpment at Stanwell Tops. Critical crossing areas for wildlife of the Illawarra railway line occur where the rail line passes through underground tunnels on the ridge south of Wilson's Creek on the north eastern boundary of Lt 1 DP 616230, on the ridge between Camp Gully and Stuarts Gully on the north-eastern border of Lt 1 DP 616229 and the ridge separating the Hacking catchment from Hargraves Creek at Stanwell Tops bordering Lt 1 DP 945016, Lt 11 DP 591985 and Lt 2A DP 752018.

These crossing have become more important with the recent fencing of much of the Illawarra railway line by the State Rail Authority. It is also important to maintain a broad band of forest cover right up to the north and south sides of Otford Road to minimise breaks in the corridor.

Similarly the overhanging canopies of large Blackbutt eucalypts along Lawrence Hargraves Drive at Stanwell Tops better facilitate the movement of arboreal mammals and birds across Lawrence Hargraves Drive and are important to maintain. All the remaining largely undisturbed moist forest can act as a corridor and the greater the width of such a corridor the more effectively it can function to facilitate wildlife movement.

A second important dry eucalypt forest wildlife corridor extends from Garawarra SCA and Royal NP through Wilsons Creek and Cawley's Creek to the Woronora Catchment Area. A critical crossing point of the Southern Freeway for wildlife is where the Princes Highway passes beneath the freeway near the headwaters of Wilsons Creek, largely within Garawarra SCA, linking the Hacking catchment to the Woronora catchment. Another crossing point where the highway passes beneath the freeway occurs to the south, just south of the intersection with Lawrence Hargraves Drive. Maintaining native vegetation in this area would provide opportunities for wildlife

to move between catchments. Potential crossing points for wildlife also occur where Cawleys Road which is closed to traffic, bridges the Southern Freeway and Cawley's Creek passes beneath the freeway. Corridors beneath and over the freeway provide opportunities for the movement of wide ranging species such as the Koala and Tiger Quoll and some of the larger macropods.

Each of these major wildlife corridors are characterised by different forest types and therefore provide different habitat and support different species of fauna. They also link to different large naturally vegetated areas and are therefore both very important to maintain.

In order to ensure landscape connectivity between the Royal NP - Garawarra SCA in the Hacking catchment and the naturally vegetated lands of the Woronora catchment and Illawarra escarpment, significant areas of the moist forests of the upper Hacking catchment require protection as do some additional areas of dry forest in the headwaters of Cawley's Creek surrounding Garawarra Hospital.

### References

- Andrew, D. (2001). *Post fire vertebrate fauna survey – Royal and Heathcote National Parks and Garawarra State Conservation Area*. Sydney South Region, NSW NPWS, Audley.
- DECC (2008). *Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area*. Department of Environment and Climate Change, Hurstville.
- NSW NPWS (1985). *The Upper Hacking Catchment: a Natural Resource Survey*. Unpublished report by the Natural Resources Section, NSW National Parks and Wildlife Service, Sydney.
- NSW NPWS (2002). *Bioregional Assessment Study Part 2: Fauna of the Illawarra Escarpment, Coastal Plain and Plateau*. NSW National Parks and Wildlife Service, Conservation Assessment and Data Unit, Central Conservation Programs and Planning Division, Hurstville.

EO9/47838

# Sutherland Shire COUNCIL



Administration Centre  
4-20 Eton Street, Sutherland  
NSW 2232 Australia

Please reply to:  
General Manager,  
Locked Bag 17,  
Sutherland NSW 1499  
Australia

Tel 02 9710 0333  
Fax 02 9710 0265  
DX4511 SUTHERLAND

Email [ssc@ssc.nsw.gov.au](mailto:ssc@ssc.nsw.gov.au)  
[www.sutherland.nsw.gov.au](http://www.sutherland.nsw.gov.au)

ABN 52 018 204 808

Office Hours  
8.30am to 4.30pm  
Monday to Friday

Mark Carlon-9710 0523

File Ref: LP/03/413786  
6 November 2009

Mr David Farmer  
General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500



Dear Mr Farmer

Thank you for the opportunity to comment on the draft Review of the 7(d) Hacking River Environmental Protection Zone in the vicinity of Helensburgh, Otford and Stanwell Tops.

The study recommends much of the land, particularly privately owned land (currently unable to permit a dwelling due to lot size restrictions and/or zoning), now be zoned to permit dwelling development.

It is understood that there is a long and complex history associated with the land. This includes the Helensburgh Commission of Inquiry undertaken in 1994 at the request of the then Minister for Planning & Housing. The Commission was asked to determine appropriate future land uses for the locality after numerous conflicting reports were received in relation to the localities natural environmental features and its urban capabilities. The outcome of the enquiry was essentially that the existing conservation zonings be retained. The Commissioner recommended that no further urban development could be considered until various detailed studies were undertaken in light of the environmental sensitivity of the area.

The Commission concluded that the majority of the area was to be zoned for environmental conservation due to the existence of endangered flora and fauna; the presence of steep slopes associated with advanced erosion and sedimentation of the Port Hacking River; the sensitive water quality of the Port Hacking River, particularly given that existing stormwater management measures were inadequate; and the high likelihood of bushfire activity.

As such, the desktop review undertaken by Willana Associates of the 7(d) Hacking River Environmental Protection Zone is considered to be premature. It is understood that the study is intended to inform a revised planning framework for the area subject to public exhibition and specific site studies.

Cont'd...2/-

Ack sent 13/11/09

However, these studies and more importantly the studies recommended by the Helensburgh Commission of Inquiry in 1994 have not yet been undertaken. As such, there is insufficient information to make any preliminary recommendations in relation to the future use of the land.

The necessary studies include both immediate (or short term studies) as well as long term studies of the following key issues :

- existing water quality, water quality impacts and environmental impacts;
- cumulative impacts of development;
- impacts of flora and fauna habitat loss;
- testing and proving water quality control mechanisms (pond/ wetland proposals);
- fauna Impact Statements of rare and endangered fauna, particularly assessing potential impacts on the Sooty Owl;
- analysis of impacts upon wildlife corridors from various land uses and buffer areas (especially urban development and bush fire reduction areas).

Since the Commission of Inquiry in 1994, there has been very little action undertaken by Wollongong City Council or other government authorities to address the concerns raised by the Commissioner with regard to impacts on water quality and biodiversity in the Helensburgh area. The desk top study commissioned by Wollongong City Council as part of the current rezoning proposal provides only a very broad environmental assessment of the study area. It is considered that the study provides insufficient information to make a proper and informed decision about the future use of the lands in Helensburgh with any confidence. It does not respond to the concerns raised by the Commission of Inquiry. As a result a precautionary approach must be taken.

Sutherland Shire Council has a direct interest in the land use activity at Helensburgh due to the down stream environmental impacts. Inappropriate development will lead to increased nutrient and sediment inputs into the Hacking River. This is in conflict with the need to protect and conserve the diverse and unique natural areas of the Royal National Park, Port Hacking and linked bushland. These natural areas are major tourist destinations for the region and provide a central biodiversity link into the urban areas of Sutherland Shire, as reinforced by Council's Greenweb strategy.

The Hacking River is a Class P: Protected Waterway. Maintaining its integrity is vitally important. Of major concern to Sutherland Shire Council is the impact on water quality and the wildlife corridor from development within the Herbert Creek, Gardiners Creek, Kellys/Gills Creek and Camp Creek catchments.

Cont'd...3/-

Core issues that remain relevant (as identified in the 1994 Commission of Inquiry and Sutherland Shire Council's submission to the Commission) include the:

- very high erodibility of soils in the area (Pedon Consultants 1994) and potential heightened source of sediment into the headwater creeks;
- removal of vegetation for urban and non urban activity contributing to erosion and high sediment input into the water catchment;
- Impact of increased sedimentation and pollution on vegetation, invertebrates and ecology of the catchment;
- Increased impact of predation of native animals by increased intrusion by dogs and cats;
- Increased opportunity and dispersion of weeds into highly vulnerable and threatened ecological communities;
- Increased pressure and disturbance of natural environment from improved accessibility.

The E2 Environmental Conservation and E3 Environmental Management zonings proposed by Wollongong City Council for Helensburgh are generally supported as a means of minimising adverse impacts from development on the Hacking River water catchment and wildlife corridor. However, the application of these zones must be supported by the aforementioned environmental studies.

In order to reinforce and reflect the environmental attributes of the area it is suggested that an environmentally sensitive land overlay (dealing with water quality and biodiversity) be applied to the area subject to the rezoning. Consideration should also be given to the inclusion of relevant local provisions. This can help ensure that stringent water quality and biodiversity safeguards are incorporated in any new development and or the intensification of existing development through ancillary buildings. This overlay should also apply to other developed areas of Helensburgh, such as the existing rural zones. This would allow better management of sediment and land degradation from activities in the B6 Enterprise Corridor along Parkes St and Princes Highway given that the proposed changes allow the potential intensification of light industrial activity in this locality.

The proposed rezoning of the land pool area north and south of Otford Rd to R2 is the most critical issue raised by the review. The land in question is now proposed to be rezoned R2 to allow single dwellings under the current review. This is not supported because the land in question is highly constrained by environmental factors.

Specifically the rezoning of this land is not supported on the following grounds:

- It is sited in close proximity to valley catchment of Gills/Kellys and Herbert Creeks;
- Development would increase erosion and sediment risk on highly erodible soils;

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- Removal of vegetation for fire asset protection zones will further increase erosion susceptibility;
- The introduction of roads and hard surfaces will increase run-off intensity. Similarly perimeter roads concentrate runoff, exacerbating sedimentation impacts;
- Development will be result in more likelihood of weeds entering bushland;
- Potential adverse cumulative impact on significant wet sclerophyll vegetation corridor;
- Wet sclerophyll corridor and transition zones are currently vital in supporting ecological diversity, providing a key refuge for movement of wildlife, particularly during fire events. This may be jeopardised by development;
- Residential development in such close proximity to pristine bushland is a threat to the integrity of the environment due to the increased likelihood of sediment, feral animals and weeds.
- Any development is dependent upon water quality devices, yet there is insufficient detail and analysis to demonstrate that such facilities will be adequate, particularly having regard to the area required to accommodate such facilities, their ongoing maintenance and associated impacts;

It is considered that increased housing is best incorporated within the township, closer to services. The proposed area is more remote and reinforces dependency on car use.

In conclusion, land zoned 7(d) affected by the review is located in the upper reaches of the Port Hacking River. Consequently, any existing or proposed land uses within the study area are likely to have a direct impact on the Port Hacking River Catchment, the Royal National Park and the environmental quality of the Sutherland Shire.

Sutherland Shire Council raises significant concern in relation to the future impacts on water quality of the Hacking River, and the integrity and impact on wildlife corridors that connect Royal National Park and northern Wollongong escarpment and water catchment areas. Additional studies (as outlined by the Helensburgh Commission of Inquiry) should be undertaken before any preliminary recommendations are made in relation to the future use of the land. As such a precautionary approach should be undertaken.

Please contact council's Manager-Planning, Mark Carlon on 9710-0523 if you wish to discuss any of these issues in further detail.

Yours sincerely



J W Rayner  
General Manager