



**Office of  
Environment  
& Heritage**

Our Ref: DOC16/536014  
Your Ref: s75W Saltwater

Ms Fiona Gibson  
Planning Officer  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Ms Gibson

**Re: Modification to Residential Subdivision at Belle O'Connor Street, South West Rocks.**

Thank you for your e-mail dated 19 October 2016 about the proposed modification to the project approval for the residential subdivision at South West Rocks seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

I understand that Project Approval MP08\_0167 was granted by the Planning Assessment Commission (PAC) on 3 June 2011 for the construction of a residential subdivision in 11 stages. The approval also sought to protect 14.9ha of land for biodiversity conservation.

The proposed modification seeks to enable the subject property (stages 10 & 11) to be subdivided independently of the balance of the subject land, being stages 1 to 9.

The OEH provides the following comments for your consideration:

- a. The Project Approval which was given in 2011 considered the biodiversity impacts associated with the whole development site at that time. The biodiversity impacts were considered acceptable subject to a range of conservation measures, including the rehabilitation and protection of certain lands (14.9ha of conservation land).
- b. Figure 18 of the Department of Planning and Environment Director-General's Environmental Assessment Report dated May 2011 indicates that the area subject to this modification has two or three vegetation communities which have the potential to support threatened species.
- c. The biodiversity impacts associated with stages 10 and 11 should be appropriately offset as part of this modification request. This may be a proportional area of the 14.9ha of conservation land. The OEH is willing to assist the proponent in determining an appropriate offset.

- d. If all of the 14.9ha conservation land is delayed until commencement of the other stages there will be a biodiversity loss associated with the delay in rehabilitation and protection of these areas. This delay is not supported by the OEH.
- e. The modification report has not discussed the impacts to biodiversity or how these may be offset. Further discussion about the biodiversity impacts of the subject property needs to be discussed within the report.
- f. The OEH also notes that the bushfire Asset Protection Zone (APZ) to the lots in the northern part of the subject land is depicted in the modification report as occurring on the neighbouring property to the north. It is unclear how an APZ restriction will be imposed on a neighbouring property. From the Director-General's Environmental Assessment Report dated May 2011 it appears that the neighbouring property to the north is zoned as environmental protection (7(b)). An APZ would not be appropriate in such a zoning.

The OEH recommends that:

- 1. An appropriate biodiversity offset should be determined and secured as part of the proposed modification.
- 2. All bushfire Asset Protection Zones are to be contained within the subject property and should not impact on biodiversity values.

If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Regional Operations, OEH, can be contacted on 6640 2503 or at [krister.waern@environment.nsw.gov.au](mailto:krister.waern@environment.nsw.gov.au).

Yours sincerely

 9 November 2016

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Region**  
**Regional Operations**

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