



## Office of Environment & Heritage

Our Ref: DOC16/527443  
Your Ref: MP 06\_0316 MOD 5

Ms Fiona Gibson  
Planner – Modification Assessments  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Ms Gibson

**Re: Modification application to Project Approval - Cobaki Lakes Residential Community Development (MP 08\_0200 MOD 5)**

Thank you for your e-mail of 17 October 2016 seeking comments from the Office of Environment and Heritage (OEH) on the above modification. I appreciate the opportunity to provide input.

The OEH understands that the proposed modification relates to amending the current fencing plans for the Cobaki site. We have reviewed the matter and provide the following comments for consideration:

- a. The changes proposed relate to the deletion of fencing in areas designated for future environmental rehabilitation that are currently mapped as '*low closed grassland with scattered trees*'. Some of these areas form part of an Endangered Ecological Community and although are in a degraded condition should still be afforded fencing for protection. The fencing will provide a better surety that accidental intrusion into these areas is reduced. The fencing will also enable the site to naturally regenerate that will provide a biodiversity benefit and reduce the costs of rehabilitation, which is planned for these areas in the future.
- b. The OEH has also been made aware that the site is regularly slashed. The compliance of this practice with the development approvals in place is unknown. During a recent site inspection we observed that the slashed groundcover was largely native plants and that if these areas were left to regenerate without slashing, a large diversity of native plants would colonise these areas. Any area that is proposed for protection and/or rehabilitation should have slashing cease immediately to allow natural regeneration to occur.
- c. The OEH notes that the tree containing the raptor nest was felled by an unknown person in December 2015. The installation of fencing may also reduce incidents of unknown persons entering these areas and causing environmental harm.


- d. The OEH notes that the site is regularly trespassed by off-road bikers. This provides additional justification to ensure that adequate fencing is installed to deter intruders from areas identified for protection and/or rehabilitation.
- e. A letter by SMEC dated 6/5/2016 suggests that the proposed revegetation areas, 'on their analysis, [are] not of significance, other than in respect of any areas of established trees and shrubs'. There appears to be a significance threshold being used to determine which areas should/shouldn't be fenced. The OEH would put forward that any areas proposed for protection and/or rehabilitation should be fenced regardless of their condition state.

The OEH does not support any proposal to reduce or delay fencing associated with areas proposed for protection and/or rehabilitation and recommends that:

1. The modification proposal should be refused by the Department of Planning and Environment.
2. The slashing of areas proposed for protection and/or rehabilitation should cease immediately.
3. The compliance of the slashing with existing major project development approvals should be investigated by the Department of Planning and Environment.
4. Any impacts to biodiversity either by an unknown person, intruders or accidental incidents should be rectified by replanting and/or rehabilitation of the damaged areas.

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



1 November 2016

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

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