

4.0 Requested changes to reductions in environmental protections compared to SLEP 1985 and Strategic Plans. March 2013.

Recommendations.

- 1. Restoration of habitat corridors identified in Jervis Bay and Illawarra Regional Environment Plans and South Coast Regional Strategy/South Coast Regional Conservation Plan for Residential, Business and Industrial zones.**
- 2. Inclusion of optional Tree Preservation Clause 5.9.9 to ensure protection of trees consistent with Council's longstanding Tree Policy and Tree preservation order.**
- 3. E 2 or E 3 Zoning as appropriate for high conservation value "Community Land" classified as a "Natural Area," that is bushland, wetland, escarpment, water course or foreshore" consistent with the core objectives of Council's Generic Community Land Plan of Management and Council's obligations under the Local Government Act.**
- 4. Appropriate Environmental zonings for high conservation value sites as requested by the Minister for Planning and Infrastructure: Lake Wollumboola, Woollamia, Crams Rd Nowra Bomaderry and Worrige.**

Reasons for concerns.

Natural Resource Sensitivity mapping- Habitat Corridors/Significant vegetation. In 2012 Councillors decided to remove Biodiversity mapping overlays from Residential, Business and Industrial-zoned land. This decision defeats the purpose of corridors, ie to link high conservation value areas thus maintaining wildlife passage, whilst allowing development.

Generally Biodiversity Mapping does not apply to urban zoned land. However in the Shoalhaven habitat corridor areas occur within urban zones. In these areas development applications are assessed both by the usual development controls and via the Standard LEP Biodiversity Clause, which requires that the connectivity of vegetation and wildlife passage is taken into consideration.

Biodiversity mapping alerts developers to the presence of locally and regional significant habitat corridors and the need for environmental assessment.

Staff advised the previous Council that it would be irresponsible not to alert developers to the environmental sensitivity of particular sites known to Council via availability of the Biodiversity Mapping. Sites of concern include;

- Shoalhaven Heads Crown Land is proposed for R 1, although is HCV Bangalay Sand Forest EEC.
- Areas in South Nowra-Worrige in the former Shoalhaven State Forest.

Inclusion of optional Tree Preservation Clause 5.9.9 to ensure protection of trees consistent with Council's longstanding Tree Policy and Tree preservation order.

Adopt staff recommendations instead of Councillor proposal for the Tree Conservation Clause for consistency with the SCC Tree Preservation Order and SLEP 1985 (covering tree management in all zones) and with s117 Ministerial Direction 2.1 Environment Protection Zones May 2008. Staff recommended:

- a) "That Council include optional subclause 5.9.9 Preservation of trees or vegetation;
- b) That Council request the support of Department of Planning and Infrastructure for inclusion of a local provision in the SLEP to ensure that clause 5.9 applies to paper subdivisions or the addition of RU 2 to subclause 5.9.9."

Retention of Clause 5.9 would mean that trees would be protected in Residential zones but not in Environment Zones, R 5 Rural Residential or RU 2 Rural Landscape, the latter including Paper Estates. The

reason is that as clearing approvals under rural/agricultural Property Vegetation Plans under the Native Vegetation Act would otherwise apply and trees currently protected could be lost in the future.

E 2 or E 3 Zoning as appropriate for high conservation value “Community Land” classified as a “Natural Area.”

The exhibited draft SLEP proposed Recreation zoning RE 1 for all these areas with a Biodiversity mapping for some high conservation value areas in conflict with Local Government Act requirements. The previous Council rejected consideration of community concerns regarding these zonings

Where these areas have been assessed as “high conservation value” they should be zoned as either E 2 or E 3 as the Recreation zoning objectives do not aim to protect these values and allow a wide range of unsustainable uses.

E 2 zoning should apply to Foreshore Natural Areas that have been assessed as Endangered Ecological Communities and other environmentally sensitive areas.

E 3 Environmental Management zoning for Shoalhaven River Riparian Corridors, should apply instead of proposed RE 1 to protect the Core Riparian Zone and buffer of 100 m consistent with South Coast Regional Conservation Plan.

Appropriate Environmental zonings for high conservation value sites as requested by the Minister for Planning and Infrastructure: Lake Wollumboola, Woollamia, Crams Rd Nowra Bomaderry and Worrigeer.

These sites are identified in the South Coast Regional Strategy/South Coast Regional Conservation Plan and Nowra-Bomaderry Structure Plan as of State, Regional and local environmental significance.

Lake Wollumboola. Councillors are seeking to include an additional clause in the SLEP to allow in the future a golf course application to proceed at Long Bow Point in the Lake Wollumboola catchment. This site was proposed as E 2 Environment Conservation in the exhibited SLEP based on the evidence of three independent inquires and the South Coast Regional Strategy etc that proposed this site be conserved because of its high biodiversity and importance in protecting the water quality and ecology of Lake Wollumboola. The landowner has alternative and suitable cleared land outside the catchment of Lake Wollumboola that is zoned to allow a golf course. Council’s proposals put the interests of developers ahead of strategic planning decisions in the public interest.

Woollamia. Councillors are seeking to rezone this site to allow for a slipway and dry storage site for yachts although it is identified in the Jervis Bay Regional Environment Plan for inclusion in the Jervis Bay National Park.

Crams Rd. Councillors are seeking to rezone parts of this site for residential development, although Council staff and Office of Environment and Heritage have assessed it as high conservation value Threatened Species Habitat.

Worrigeer, Bennetts Rd. Councillors are seeking to rezone this site to allow for residential development although it is high conservation value vegetation and identified as flood prone.

Background.

All these proposed changes reduce environmental protections in the existing Shoalhaven LEP 1985 and are inconsistent with State, Regional and local strategic plans and policies.

Since the Draft SLEP 2009 was on exhibition several issues of concern regarding environment protection are on the way towards resolution. These include proposed E 2 zoning of Heritage Estates and retention of E 1 zoning of Bomaderry Creek Regional Park where the previous Council proposed the Central and Southern routes for the North Nowra link Rd.