

Mr Brendan O'Brien
Executive Director
Infrastructure, Housing and Employment
Department of Planning and Environment
GPO Box 39,
SYDNEY NSW 2001

16th August, 2016

Dear Mr. O'Brien,

Growth Centres SEPP - Greater Macarthur Priority Growth Area – request for clarification around the process for Biocertification within the Release Area.

Anglicare (formally the Anglican Retirement Villages) owns a site at 91 Menangle Road, Menangle. The site is described Lot 12 DP 749669. Anglicare has previously made representation to both Department of Planning and Environment and Campbelltown City Council of their interest in developing this site.

In order to facilitate this process Anglicare has engaged Ecological Australia to undertake an Ecological Constraints exercise to better understand what ecological values are present on the Anglicare site. An extract of that report is attached for your information.

This report highlights that ecological matters within this release area are probably of a scale that will require a consolidated approach to approvals both at a State and Federal level. The ability to address biodiversity constraints on a site by site basis across such a large release area is likely to present significant challenges. Anglicare is of the view that better outcomes for both development and biodiversity conservation will result if biodiversity certification (or similar mechanisms under proposed new biodiversity legislation) is established over the Menangle Park and Mt Gilead release areas.

To that end, Anglicare would like to work with Council and the Department to create an approval pathway and process to facilitate the delivery of seniors housing, care and associated activities on this site. We note and support the principle in the *Greater Macarthur Preliminary Strategy and Action Plan* that land release, rezoning and development in Menangle Park and Mt Gilead will be principally initiated by the private sector, with the roles of Council and the Department to facilitate and coordinate outcomes across multiple development proposals. Addressing and managing biodiversity issues strategically is one aspect of the planning process where Government agencies can add significant value to both development and environmental outcomes.

It remains Anglicare's intention to pursue a planning proposal for the site that aligns with any structure plan being considered by Council and the Department. The consideration of ecological values and their connectivity remain a significant consideration to this structure plan. To progress the planning proposal, Anglicare needs to understand what the process will be for determining the

ecological and conservation footprints across the Greater Macarthur Biocertification study area, and for engaging with landholders.

Anglicare would welcome the opportunity to work with the Department and Council in regard to these matters.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Woodrow".

16.8.16.

Nicole Woodrow



Ecological Constraints

91 Menangle Road, Menangle

Prepared for
Anglicare

August 2016



DOCUMENT TRACKING

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This document was prepared by Eco Logical Australia Pty Ltd, with assistance from Anglicare.

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Abbreviations

Abbreviation	Description
BCAM	Biodiversity Certification Assessment Methodology
CKPoM	Comprehensive Koala Plan of Management
CRUI	Campbelltown Rural Urban Interface
DBH	Diameter at breast height
DotE	Department of the Environment
ELA	Eco Logical Australia Pty Ltd
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FM Act	<i>Fisheries Management Act 1994</i>
GPS	Global Positioning System
HBT	hollow bearing tree
KAAR	Koala Activity Assessment Report
LGA	Local Government Area
OEH	Office of Environment and Heritage
PCT	plant community type
SHW	Shale Hills Woodland
SIS	Species Impact Statement
SPW	Shale Plains Woodland
TSC Act	<i>Threatened Species Conservation Act 1995</i>

VAR	Vegetation Assessment Report
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Executive summary

Eco Logical Australia Pty Ltd (ELA) was engaged by Anglicare to undertake an ecological study to provide advice on the potential impacts of a proposed development at Menangle. This report provides advice on the types of ecological values that may be present, the level of constraints, potential credit requirements, and potential development options.

The site, while having been subject to cattle grazing, does contain a number of biodiversity values. In particular the site contains vegetation which meets the definition of the community Cumberland Plain Woodland, listed as a critically endangered ecological community under the *Threatened Species Conservation Act 1995* (TSC Act) and the critically endangered ecological community Cumberland Shale Plain Woodland and Shale Gravel Transition Forest under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The vegetation was mapped as:

- HN529 - Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (equivalent to Shale Hills Woodland)
- HN528 - Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (equivalent to Shale Plains Woodland).

Both of these are combined under the EPBC Act as the same community for offsetting purposes. However under NSW legislation, these two vegetation types are treated separately although they form the same critically endangered ecological community.

Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (equivalent to Shale Hills Woodland) covered about 9.68 ha. Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (equivalent to Shale Plains Woodland) covered about 7.13 ha.

Due to there being over 4 ha of these vegetation types, and that they are 'highly cleared' in the catchment management area, the vegetation is regarded as a 'red flag' under the BioBanking scheme. This means that a BioBanking Statement (which would allow for development) is not able to be granted. Clearance of red flags is not supported by the regulator as the 'improve or maintain' outcome cannot be achieved.

While no targeted surveys for threatened species were conducted, there are a number of species that are may potentially occur. These include species listed under the EPBC Act, such as the Koala.

A number of approvals will be required for the site, and depending on the final development footprint, there is the potential that impact assessments under NSW and/or Commonwealth legislation may be required. The approval pathway to be utilised will be strongly influenced by the development footprint sought, and the timing for the development.

It is considered that reconciliation of values and developable footprint, both on the Anglicare site and more broadly within the Greater Macarthur Preliminary Land Release Strategy could be pursued via a biocertification process with a planning authority. Biocertification is an appropriate mechanism to consider ecological values across a much larger area, and would aim for strategic conservation outcomes and clarity for development opportunities.