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To Whom it May Concern

The RHVA (Red Head Villages Association Inc) is Shoalhaven City Council's Accredited Community Forum for the villages of Manyana, Bendalong, North Bendalong, Cunjurong Pt and Berringer Lake. The RHVA has taken a balanced approach to its consideration of this development proposal given the site's pre-existing (in part) residential zoning, however has consistently argued that the development footprint is too large and that this has adverse impacts on a range of matters, most importantly including the ecological values of the site. This is in large part a result of the excessive lot sizes of 2000m² plus which means that the development sprawls across both a northern and southern sector, amplifying the impacts of the proposal on endangered ecological communities and threatened fauna species.

With respect to Matters of National Environmental Significance (MNES), it is noted that the Commonwealth Department of Environment has raised issues with respect to the impact of the development on three MNES under the EPBC Act which are considered in the report on public exhibition, namely:

1. That the clearance of Illawarra and South Coast Lowland Forest Woodland (ILFW) by the development, a critically endangered ecological community under the EPBC Act, will reduce the extent of an ecological community, fragment or increase fragmentation of an ecological community and adversely impact habitat critical to the survival of an ecological community.
2. The clearance of Coastal Swamp Oak Forest (CSOF) by the development, an endangered ecological community under the EPBC Act, will reduce the extent of an ecological community and adversely impact habitat critical to the survival of an ecological community.
3. The proposal will result in the clearance of winter and spring foraging habitat for the Grey-Headed Flying Fox, a species listed as vulnerable under the EPBC Act, that is classified as habitat critical to the survival of the species.

It is revealing that the assessment prepared by the Proponent essentially concurs in respect of Items 2 and 3 above, concluding as follows:

- In respect of CSOF, "... the conclusion of this updated assessment is that the proposal would result in a significant impact on CSOF, noting the proposal would remove or modify 2.41 ha of CSOF and restore a lesser area than the area to be removed and so would permanently reduce the extent of the community." p 39
- In respect of the Grey-Headed Flying Fox, "... the proposal would adversely affect 14.11 ha of habitat that is critical to the survival of the species (and that) reductions in the total area of habitat critical to the survival of the species within regions that were severely impacted by fire would comprise a notable cumulative impact on the species." p 60

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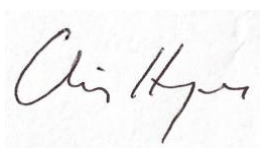
- In relation to clearing of ILFW, the Proponent assessment states “the conclusion of this updated assessment is that the proposal is not likely to result in a significant impact on ILFW” (p 28), largely as a result of the reduction in clearing of this entity in the revised/approved development. RHVA does not agree with this assessment, noting the Proponent’s own comments that “... the proposed removal of 1.41 ha of critical habitat for the CEEC when considered in the context of its limited distribution and the impacts of the 2019/20 bushfires, would interfere with the recovery of the community (p 28).” And the finding in the Proponent’s report that removal of 1.41ha of the community as proposed would lead to “... a substantial cumulative impact to the continued persistence of the community in the local area.” p 22

The developer proposes to retire biodiversity credits to offset the residual impacts of its development, however RHVA does not consider sufficient measures have been taken to reduce the impacts of the development, rather than defaulting to the easy offsets option. In particular, the following should be explored:

1. Refusal of the proposal by the Commonwealth if it considers the impacts on MNES are significant.
2. Deletion or substantial reduction of the northern footprint of the development which is responsible for the impact on ILFW (Figure 4 of report), a critically endangered ecological community, and also impacts the CSOF (Figure 6 of report). RHVA does not agree with the Proponent’s assessment that the impact on the ILFW community is not significant and considers that this conclusion is contrary to the Proponent’s own assessment that the proposal will result in a substantial cumulative impact to the survival of the community in the local area. As a critically endangered ecological community, the bar should be set higher for impacts, especially given the available option of redesigning the footprint to avoid impacts.
3. Reconsideration of the southern sector of the development to avoid or reduce impacts on CSOF (Figure 6 of report). This could be through removal of the lots which extend into the CSOF and buffer area.

The other fundamental issue RHVA has with the development is the proposed management of the site’s conservation area, which is presented as integral to managing the development’s impacts. The proposed Vegetation Management Plan relies for its implementation on a Community Title Association which is likely to largely consist of absentee land owners and weekenders. This is totally unrealistic given the hands on management which would be required to ensure the conservation area adequately protects MNES. It is considered essential that if the Commonwealth were to approve the proposal, it would be conditional on the developer entering into a Biodiversity Conservation Agreement with the NSW Minister for the Environment. If such an agreement is not able to be entered into, the development should not proceed as there would be inadequate certainty that the conservation values of the site would be adequately restored and managed and the development’s impacts offset.

Yours sincerely



Chris Hayes
President RHVA Inc

Bendalong – Berringer Lake - Cunjurong Point – Manyana - North Bendalong

