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BirdLife Shoalhaven is a branch of BirdLife Australia Limited ABN 75 149 124 774

Shoalhaven City Council
36 Bridge Road
NOWRA NSW 2541

4 September 2024

Dear Sir/Madam

Submission re. SF10921 – Inyadda Dr, MANYANA - Lot 106 - DP 755923 and Lot 2 - DP 1161638, and Sunset Strip, MANYANA - Lot 2 - DP 1121854

Birdlife Australia (BLA) is Australia's largest bird conservation organisation with over 200,000 members and supporters. For over a century its members have protected birds and their habitats through practical conservation and advocacy based on the best available science.

BirdLife Shoalhaven (BLS) is a branch of BLA, which itself has 1,200 members and supporters. Our charter is to help our members and the wider community enjoy and learn more about birds and to advocate for the conservation of birdlife across the Shoalhaven.

BLS has been actively involved over several years in supporting community relating to proposed residential development at Manyana. We have made several submissions to the Shoalhaven City Council, the Mayor and State and Federal government environment ministers expressing our concerns, most recently in January 2024. These submissions are available on our website at <https://www.birdlifeshoalhaven.org/submissions.html>.

As previously stated, our concerns can be summarised as: (1) the importance of unburnt areas at Manyana as **post 2019-20 bushfire refugia**; and (2) the importance of the area as **actual and potential habitat for state and federally-listed threatened bird species**, including the critically endangered Swift Parrot *Lathamas discolor*. Our earlier submissions address these issues in detail.

While the latest proposal reduces the number of housing lots, the area proposed for home sites and consequential habitat damage/removal, remains similar. BLS wishes to reiterate our concerns about likely impacts to threatened and migratory bird species on the project site, and on the adjacent ICOLL area. Our scepticism about the effectiveness of the proposed mitigation and management proposals for the site also remain.

In addition to our specific and detailed comments already provided, we would like to comment on the proposed Vegetation Management Plan for the biodiversity protection area within the project footprint and make some additional remarks on specific bird species.

Recent information on threatened bird species: The submission from Manyana Matters Environmental Association (MMEA) provides recent visual confirmation of threatened shorebirds (Hooded Plover and Pied Oystercatcher) on the shoreline/ICOLL area next to the project site. The proposed development would result in increased risk of threats to these species from disturbance by people and domestic animals.

We have also been verbally advised by MMEA of a recent vocalisation record of Swift Parrot close to the project site. This shows the ongoing use of coastal eucalypt forest in this area by this critically endangered migratory parrot. We have recommended to MMEA that they ensure that this record is placed on an appropriate publicly available biodiversity database as soon as possible.

Vegetation Management Plan and Community Association: The latest proposal includes a detailed draft Vegetation Management Plan (VMP) to manage the areas proposed for biodiversity protection within the project footprint. It is to be funded and implemented by the developer in the establishment and restoration phases, and then by a Community Association who would levy their members to fund the VMP implementation.

The plan is very detailed and presumably its implementation would be costly. For example, two staff plus contractors in the initial phases, to be funded and managed by the developer. It also outlines a role for Council staff. This would divert resources in your organisation, which is already facing resourcing constraints.

Other questions and concerns with this proposed approach include:

- Is it realistic to expect that the resources needed to implement the drafted VMP resources will be provided and what happens if they are not?
- How would the developer be held to account for implementing the VMP and what happens if they do not, or if they cease operations?
- What legal framework would allow for the Community Association to be established and set and collect levies off other landowners?
- Who has responsibility for ensuring compliance with the VMP once it is 'handed over' to the Community Association and what punitive measures can be taken if it is not implemented?
- How would the Association ensure that the Lot 41 landowner report to them (as proposed in the VMP) and what happens if they do not?

Given these numerous but important questions, the approach proposed for the management of the biodiversity protection areas within the project site seems unrealistic. It would be challenging and expensive to implement in the short-term, and unrealistic for it to endure into the medium and longer-term.

BLS also notes that this proposal continues to have strong opposition from local community groups and residents, as well as the wider Shoalhaven community.

If you have any queries, please direct them to Rob Dunn or Deb Callister-Carter, via the email addresses or phone numbers below.

Yours sincerely



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