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Shoalhaven City Council  
36 Bridge Road  
NOWRA NSW 2541

31 January 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 Mayor and State and Federal government environment ministers expressing our concerns. These submissions are available on our website at <https://www.birdlifeshoalhaven.org/submissions.html>. Our members and supporters have also been involved in carrying out bird surveys, to expand the understanding of the avifauna diversity at areas proposed for residential development.

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 previous submissions, referenced above, address these issues in detail.

Regarding the revised Inyadda Drive proposal, BLS wishes to make a number of additional points.

**Gang-gang Cockatoo *Callocephalon fimbriatum* and South-eastern Glossy Black Cockatoo *Calyptorhynchus lathami lathami***: Since the initial DA was lodged, two additional species that are found on the site have been listed as nationally threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth): the Gang-gang Cockatoo - listed as

Endangered on 2 March 2022; and the South-eastern Glossy-Black Cockatoo - listed as Vulnerable on 10 August 2022. The published Conservation Advices for these birds states that the 2019-20 bushfires have directly contributed to the population decline of both these species through direct impacts and loss of nesting and foraging habitat (Department of Agriculture, Water and the Environment (DAWE) 2022; Department of Climate Change, Energy, the Environment and Water (DCCEEW) 2022). Similar conclusions are also made in the three-year BLS Bushfire Recovery Project final report at <https://www.birdlifeshoalhaven.org/brpfinalreport.html>.

The Biodiversity Development Assessment Report (BDAR) for this proposal indicates that both species are found within the proposed development footprint. However, BLS believes that the BDAR understates the direct and indirect impact it will have on these two threatened cockatoo species.

The Conservation Advice for the Gang-gang Cockatoo states:

*Habitat critical to the survival of the Gang-gang Cockatoo includes all foraging habitat during both the breeding and non-breeding season... Habitat critical to the survival of the Gang-gang Cockatoo occurs across a range of land tenures. Habitat critical to the survival of the species should not be destroyed or modified. Actions that have indirect impacts (e.g., noise and light pollution) on habitat critical to the survival should also be minimised. Actions that compromise adult and juvenile survival, such as the introduction of new diseases, weeds, or predators, should also be avoided... **Actions that remove habitat critical to survival would interfere with the recovery of Gang-gang Cockatoos and reduce the area of occupancy of the species, and therefore must be avoided.** (DAWE 2022, p.7, our emphasis added)*

The Conservation Advice for the Glossy-Black Cockatoo makes the same conclusions regarding the impacts of habitat loss and disturbance – see DCCEEW, pp.6-7.

BLS considers, therefore, that the only conclusion that can be drawn is that the proposed project should not be approved as it will result in an immediate loss of habitat for these two species, and ongoing potential impact due to the resulting change in land use.

**Reduction of clearing footprint:** We note that the proponent is proposing to revise the development from a 100 to a 65-lot project, and that the clearing footprint has been reduced. While this will reduce impacts, habitat loss and subsequent indirect impacts will still occur, including to threatened bird species.

**Community Title Scheme and Community Management Statement:** The proponent is proposing that 57.53 ha of the site be retained and managed as a 'Community title lot for biodiversity protection purposes'. BLS considers that there is still inadequate detail to determine how this scheme would effectively operate. For example, how the scheme members would access the necessary expertise and resources to ensure that this area is adequately protected.

**Offsets for impacts on threatened species and communities:** The BDAR is proposing that suitable habitat in the 57.53 ha 'conservation' area be used to contribute to offsets for impacts on threatened species and communities. BLS does not support this approach. This

area falls within the project footprint. Following the avoid-mitigate-offset hierarchy of environmental impact assessment, this should be categorised as an area where habitat clearance has been avoided. So, it follows that it should not also then be double counted as an offset site.

**Cats:** If this project does proceed, we support the proposal made in the Statement of Environmental Effects that the development be declared a cat free zone. We consider that the most effective way to do this is through a regulatory mechanism that can be strictly enforced by Council. While our understanding is that local councils currently do not have the authority to do this under the New South Wales *Companion Animals Act*, we would strongly support changes that would allow for this to occur.


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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References:

Department of Agriculture, Water and the Environment (2022). *Conservation Advice for Callocephalon fimbriatum (Gang-gang Cockatoo)*. Canberra: Department of Agriculture, Water and the Environment. Available from: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/768-conservation-advice-02032022.pdf>

Department of Climate Change, Energy, the Environment and Water (2022). *Conservation Advice for Calyptorhynchus lathami lathami (South-eastern Glossy Black Cockatoo)*. Canberra: Department of Climate Change, Energy, the Environment and Water. Available from: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/67036-conservation-advice-10082022.pdf>

