

PLANNING PROPOSAL
ADDITIONAL PERMITTED USE
HOTEL OR MOTEL ACCOMMODATION



PREPARED FOR:
STANAWAY PTY LTD

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The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	I
ABBREVIATIONS	II
BACKGROUND	1
1.1 INTRODUCTION	1
1.2 SCOPE OF REPORT	1
1.3 STRUCTURE	1
OVERVIEW	3
2.1 THE SUBJECT SITE	3
2.1.1 SITE DESCRIPTION AND LOCATION	3
2.2 DEVELOPMENT INTENT	4
2.2.1 EXISTING LAND ZONING AND LOCALITY	4
2.2.2 PROPOSED ADDITIONAL PERMITTED USE	5
2.2.3 PROPOSED DEVELOPMENT OBJECTIVES	5
2.2.4 SERVICES	5
2.3 ENVIRONMENTAL CONSIDERATION	5
2.3.1 TOPOGRAPHY AND SOILS	5
2.3.2 FLORA AND FAUNA	5
2.3.3 FLOODING	6
2.3.4 CONTAMINATION	6
2.3.5 BUSHFIRE	6
2.4 SOCIAL AND CULTURAL CONSIDERATION	7
2.4.1 EUROPEAN HERITAGE	7
2.4.2 ABORIGINAL ARCHAEOLOGY	7
INTENT AND PROVISIONS	8
3.1 OBJECTIVE	8
3.2 EXPLANATION OF PROVISIONS	8
JUSTIFICATION	9
4.1 NEED FOR THE PLANNING PROPOSAL	9
4.1.1 RESULT OF ANY STRATEGIC STUDY OR REPORT	9
4.1.2 BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?	9
4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	9
4.2.1 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY	9
4.2.2 CONSISTENT WITH COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN	9
4.2.3 CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES	10
4.2.4 CONSISTENT WITH APPLICABLE S117 (2) MINISTERIAL DIRECTIONS – 3.1 RESIDENTIAL ZONES	11
4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS	13
4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR	

	HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?	13
4.3.2	ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?	13
4.3.3	HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?	13
4.4	STATE AND COMMONWEALTH INTERESTS	13
4.4.1	ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PROPOSAL?	13
4.4.2	VIEWS OF STATE/COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?	14
	REQUIRED INSTRUMENT AMENDMENTS	15
5.1	AMENDED MAPPING REQUIRED	15
	COMMUNITY CONSULTATION	16
6.1	TYPE OF COMMUNITY CONSULTATION REQUIRED	16
	REFERENCES	17
	DRAWINGS	
	115143_02A_TP01 Existing Permitted Uses Map, Revision A dated 27/08/2015, prepared by Geolyse Pty Ltd;	
	115143_02A_TP02 Proposed Permitted Uses Map, Revision A dated 27/08/2015, prepared by Geolyse Pty Ltd.	
	APPENDICES	
	APPENDIX A	
	<i>Ecological Impact Statement & Assessment</i>	
	APPENDIX B	
	<i>BUSHFIRE IMPACT ASSESSMENT</i>	
	APPENDIX C	
	<i>AHIMS SEARCH & Aboriginal Heritage Assessment Report</i>	

Executive Summary

The intention of this Planning Proposal (PP) is to provide an additional permitted use to be undertaken on the subject site, in particular, the additional permitted use of hotel or motel accommodation.

This PP affects the Additional Permitted Uses Map APU_008A of the *Dubbo Local Environmental Plan 2011* (DLEP). In particular, this PP affects one (1) allotment of land, located in a semi-rural setting, on the south west side of Dubbo, bounded by Chapmans Road to the west and an unformed section of Blackbutt Road to the south.

This PP seeks to add hotel or motel accommodation as an additional permitted use on the site, as shown upon supporting plans **115143_02A_TP02 prepared by Geolyse Pty Ltd.**

The additional permitted use is required to enable the current use of the site to continue its operation and rezoning the site for tourism or commercial uses would not be considered appropriate at this time given the surrounding properties are zoned residential.

Due to the minor nature of the proposal, approval of the planning amendments is sought from the Director-General of the Department of Planning as part of the Gateway Determination.

Details of the proposal's compliance with all applicable strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are contained in the body of this report.

This PP has been prepared in accordance with the NSW Department of Planning's (DoP) advisory documents '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.



ABBREVIATIONS

Abbreviation	Full Name
PP	Planning Proposal
DoP	NSW Department of Planning
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
EPA	Environmental Protection Authority
RMS	Roads and Maritime Services
UPA	United Protestants Association
AHD	Australian Height Datum
LGA	Local Government Authority

Background

1.1 INTRODUCTION

Geolyse Pty Ltd has been commissioned by the applicant (Stanaway Pty Ltd) to prepare a Planning Proposal (PP) to support a proposed amendment to the *Dubbo Local Environmental Plan 2011*. The PP is lodged in relation to one (1) parcel of land, located within a semi-rural setting to the south west of Dubbo bounded by Chapmans Road to the west and an unformed section of Blackbutt Road to the south. The site is formally known as Lot 3 in DP 554158 at 20 Chapmans Road, Dubbo.

This PP affects the Additional Permitted Use Map APU_008A of the *Dubbo Local Environmental Plan 2011*, (DLEP).

The additional permitted use is required to enable the current use of the site to continue its operation and rezoning the site for tourism or commercial uses would not be considered appropriate at this time given the surrounding properties are zoned residential.

The proposal is considered to be of a minor nature and in this respect approval is sought from the Director-General of the Department of Planning as part of the Gateway Determination.

Details of the proposal's compliance with relevant strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are contained in the following sections.

1.2 SCOPE OF REPORT

This PP has been prepared in accordance with the NSW Department of Planning's (DoP) advisory documents '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'. The latter document requires the PP to be provided in five (5) parts, those being;

- *Part 1* – A statement of the objectives or intended outcomes of the proposed LEP;
- *Part 2* – An explanation of the provisions that are to be included in the proposed LEP;
- *Part 3* – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- *Part 4* – Mapping; and
- *Part 5* – Details of the community consultation that is to be undertaken on the Planning Proposal.

It is noted that Part 4 would be confirmed following a Gateway Determination of this Planning Proposal by the DoP.

1.3 STRUCTURE

This PP is provided in the following structure;

- **Section 2** provides an overview of the subject site; the development intent; and development constraints;
- **Section 3** provides a statement of the objective and explanation of provisions of the PP;
- **Section 4** provides justification regarding the need for the PP; outlines its relationship to strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;



- **Section 5** provides the proposed mapping amendments relating to the Planning Proposal area; and
- **Section 6** details how community consultation is to be undertaken with respect to the PP.

Overview

2.1 THE SUBJECT SITE

2.1.1 SITE DESCRIPTION AND LOCATION

The Planning Proposal (PP) affects one (1) parcel of land, located to the south west of Dubbo, approximately 4.5 kilometres from the Central Business District. The site is bounded by Chapmans Road to the west and an unformed section of Blackbutt Road to the south. This parcel of land is formally known as Lot 3 in DP 554158 at 20 Chapmans Road, and features a total area of approximately 13.5 hectares.

The site is located within a semi-rural setting and features a previous use as a hostel, owned and operated by 'Aboriginal Hostels Ltd'. There are various existing structures on the site, which were developed under development consent D89/250. The structures on the site specifically include:

- Ten (10) connected studio units, split into two blocks of five (5) units, all with own toilet facilities, and a communal living/dining area at the northern end of each block. Each bedroom accommodates a queen size bed;
- Four (4), two storey, four bedroom units including kitchen, living area, bathroom and laundry;
- Separate building featuring a communal area, dining room, kitchen facility with cool room and dry room, office and separate laundry,
- In-ground swimming pool and associated barbeque area; and a separate basketball and tennis court, and;
- Various hardstand car parking areas around the perimeter of the buildings on site.

Vehicular access is gained from Chapmans Road, via an asphalt sealed crossover, and asphalt sealed internal driveway. Furthermore, the majority of the site is covered by existing vegetation which is periodically maintained by site management. **Plate 1** provides an aerial view of the site and its locality.



Plate 1: Aerial view of the subject site and locality (Source: www.maps.six.nsw.gov.au)

2.2 DEVELOPMENT INTENT

The intent of this PP is to provide an additional permitted use to be undertaken on the subject site, in particular, the additional permitted use of hotel or motel accommodation. The additional permitted use is required to enable the current use of the site to continue its operation and rezoning the site for tourism or commercial uses would not be considered appropriate at this time given the surrounding properties are zoned residential.

It is intended to amend Schedule 1 – Additional Permitted Uses of the *Dubbo Local Environmental Plan 2011* to allow hotel or motel accommodation development on the subject site. A development application would therefore utilise Clause 2.5 – Additional Permitted Uses for Particular Land, of the *Dubbo Local Environmental Plan 2011* to carry out the development specified.

2.2.1 EXISTING LAND ZONING AND LOCALITY

The land immediately surrounding the site is considered to be semi-rural in character however is set to undergo a change in character to residential development as the land is zoned R2 Low Density Residential to the north and the east, and R5 Large Lot Residential to the south and the west, according to the *Dubbo Local Environmental Plan 2011*.

The subject site falls within two land zones, with the majority of the site being zoned R2, with the western portion of the site being zoned R5, refer to **Plate 2** below.

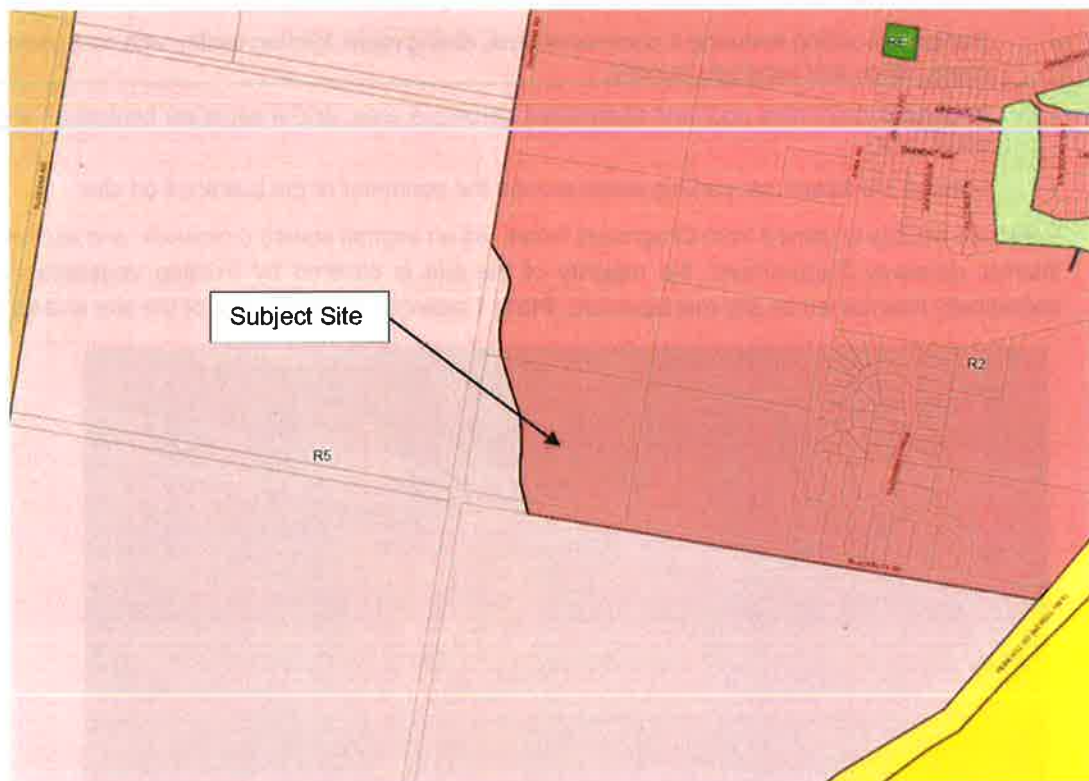


Plate 2: Land Zoning Map extract (Dubbo LEP 2011 Map LZN_008A)

The R2 land zoning does not reflect the nature of the adjoining allotments, however approximately 650 metres to the east is 'Kintyre' residential estate, featuring lots 2000 m² in size to over 4000 m² in size. Furthermore, approximately 1 kilometre to the north east is the residential estate, 'Grangewood', which features an average lot size of approximately 1000 m². The subject site is approximately 13.5 hectares in size, and does not reflect the residential nature of the sites current land zone.

2.2.2 PROPOSED ADDITIONAL PERMITTED USE

The intention of the additional permitted use is to provide a 'best fit', more practical and functional land use on the subject site. The amendment to Schedule 1 in the *Dubbo Local Environmental Plan 2011*, additional permitted uses on certain land, must be amended to allow hotel or motel accommodation on the subject site. The current R2 – Low Density Residential and R5 – Large Lot Residential land zones currently prohibit hotel or motel accommodation land use on the site.

2.2.3 PROPOSED DEVELOPMENT OBJECTIVES

The subject allotment that forms part of the PP, and the proposed additional permitted use on the site, are to be developed and maintained generally in accordance with the following objectives:

- To enable the current use of the site to continue its operation.
- Maintaining and utilising the existing built form and features of the site.
- Maintain the bushland character of the site.
- To continue to provide tourist and visitor accommodation in close proximity to the Taronga Western Plains Zoo and the Dubbo CBD.

2.2.4 SERVICES

The site forming the subject of this PP is connected to or provided on site to all accessible utility services, including sewer, water, stormwater, electricity and telecommunications. The site would continue to be serviced by the utility services provided, with no proposed or required alterations needed.

2.3 ENVIRONMENTAL CONSIDERATION

2.3.1 TOPOGRAPHY AND SOILS

The subject site is relatively flat, with a gradual slope down from southwest to northwest

The land subject to this PP is located within the Talbragar Valley Subregion of the Brigalow Belt South Bioregion. Soils within this region, according to Morgan and Terry (1992) are:

'Thin stony loams and texture contrast soils over most of the landscape with deeper sands and brown earths on valley floors'

This soil type is consistent with being able to sustain both residential development and agricultural land uses.

2.3.2 FLORA AND FAUNA

In accordance with the Natural Resource – Biodiversity Map NRB_008 of the *Dubbo Local Environmental Plan 2011*, the subject site features moderate to high biodiversity characteristics.

The subject site is largely covered by medium density woodland with a variety of trees and shrubs. The subject area on the site, featuring the existing hostel and associated built structures, is considered to be the only area on the site that has been cleared of native vegetation.

Consideration of potential impacts upon the biodiversity characteristics of the site has been undertaken and is provided within the supporting ecological assessments attached at **Appendix A**.

2.3.3 FLOODING

It is considered the subject site is not located on the *Dubbo Local Environmental Plan 2011* (DLEP) Flood Planning Maps, and as such the subject allotment is not identified as being located on flood prone land.

2.3.4 CONTAMINATION

The subject allotment is not considered to have a historical use that may have contaminated the site, nor has it featured a previous use that features on Table 1 of the *Managing Contaminated Land Planning Guidelines* (Guideline). The previous land use on the site being of a hostel nature, and the generally untouched nature of the whole site, it is considered the site does not feature any form of contamination.

2.3.5 BUSHFIRE

In accordance with Dubbo City Council's Bushfire Prone Mapping, the subject site is identified as containing areas of bushfire hazard as detailed within **Plate 3**. It is noted that the subject site and the existing development on site falls within a 'high' Bush Fire Prone area.

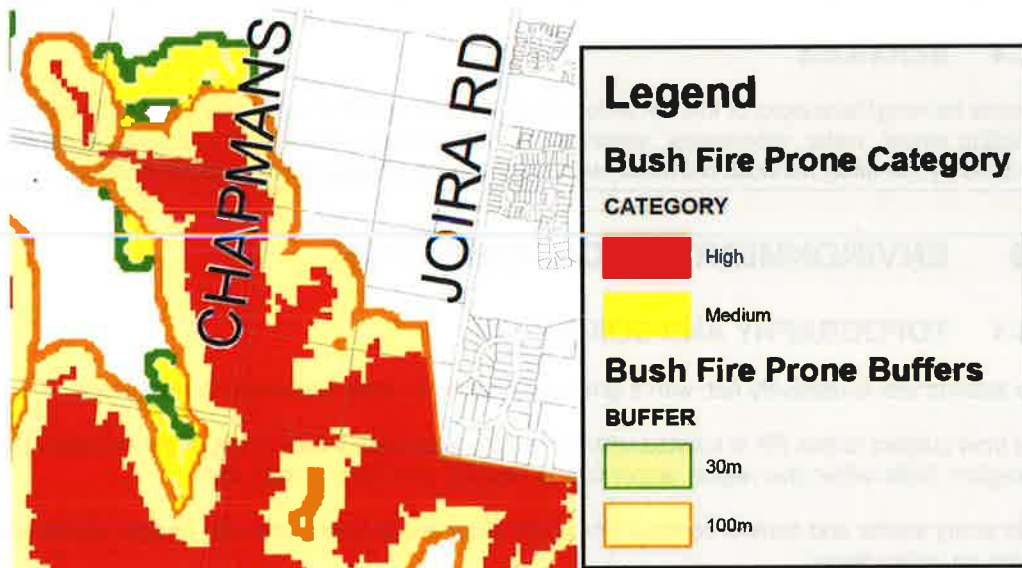


Plate 3: Dubbo Council Bushfire Prone map extract (Source: www.dubbo.nsw.gov.au)

Consideration of potential bushfire hazard impacts of the site has been undertaken for a proposed change of use Development Application for hotel or motel accommodation on the site, and is provided within the supporting report at **Appendix B**. The assessment report concludes (in part):

This report has examined the Asset Protection Zones to the buildings on site, the management of these zones; the adequacy of the existing fire-fighting water supply; the adequacy of the internal road network and its link with the public road network and the safety that this road system provides for emergency service personnel, staff, guests and visitors and concludes that, with the implementation of the recommendations made in this report, the proposed land use change provides a safer outcome than the existing facility provides.

The proposed change of use therefore satisfies the aim and objectives of Planning for Bushfire Protection 2006 in relation to the proposed land use.

After detailed consideration of the above bushfire report and after attendance at an onsite meeting by the NSW Rural Fire Service a request was made in accordance with the NSW Rural Fire Services publication *Planning for Bushfire Protection 2006* (PBP) for the development and (subsequently additional permitted use) to be amended and considered as an existing 'Special Fire Protection Purpose'

(SFPP) as defined by clause 4.2.2 of the PBP as the development has a history of operating as a group home since 1989, would be considered infill development in accordance with the provisions of Clause 4.2.5 of the PBP and makes provision for appropriate bushfire protection measures in addition to those previously provided and thereby provides 'a better bushfire risk outcome'.

We understand that the NSW RFS representative concur with this assessment and therefore reliance upon the adjoining Blackbutt Road corridor is not relied upon as an alternative evacuation route,

2.4 SOCIAL AND CULTURAL CONSIDERATION

2.4.1 EUROPEAN HERITAGE

The site is not identified in Schedule 5 – Environmental Heritage of the *Dubbo Local Environmental Plan 2011* as containing any items of local heritage significance.

The State Register does not identify any items of state heritage significance on the site.

2.4.2 ABORIGINAL ARCHAEOLOGY

A search of the Aboriginal Heritage Information Management System (AHIMS) has revealed that no Aboriginal sites have been recorded in or near the subject site, nor have any Aboriginal places been declared in or near the subject site.

The result of the AHIMS search and Aboriginal due diligence assessment is attached at **Appendix C**.

Intent and Provisions

3.1 OBJECTIVE

The objective of this Planning Proposal (PP) is to enable the current use of the site to continue its operation as a permissible use.

The PP seeks the additional permitted use of a hotel or motel accommodation use on the site to allow this objective to be achieved.

3.2 EXPLANATION OF PROVISIONS

The PP affects the Additional Permitted Uses Map APU_008A of the *Dubbo Local Environmental Plan 2011*.

This PP seeks to allow the additional permitted use of hotel or motel accommodation on the subject site, as shown upon supporting plan **115143_02A_TP02** in **figure 1** below.



Figure 1: 115143_02A_TP02

Justification

The overarching principles that guide the preparation of PP's are:

- The level of justification should be proportionate to the impact the PP would have;
- It is not necessary to address a question if it is not considered relevant to the PP; and
- The level of justification should be sufficient to allow a Gateway determination to be made with confidence that the LEP can be finalised within the timeframe proposed.

The following justification addresses each relevant question applicable to the PP to ensure confidence can be given to the Gateway determination.

4.1 NEED FOR THE PLANNING PROPOSAL

4.1.1 RESULT OF ANY STRATEGIC STUDY OR REPORT

The PP is not the result of a strategic study or report but to allow an additional permitted use to enable the current use of the site to continue its operation as a permissible use which utilise the existing facilities and structures on the site. Additionally, the use continues to support the tourist and visitor accommodation market of Dubbo, especially in close proximity to Taronga Western Plains Zoo and the CBD.

4.1.2 BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

There are existing facilities and structures on the site that were previously utilised for the purposes of a hostel. It is considered that this existing development would prove beneficial to a hotel or motel use. The subject allotment must allow the additional permitted use of hotel or motel accommodation to be undertaken on the site.

The subject site is zoned R2 and R5 Residential under the Dubbo Local Environmental Plan 2011. A hostel is currently prohibited on the subject site despite the sites lawful use as such. Therefore a Planning Proposal is required to achieve the intended outcome.

The submission of a PP for the additional permitted use, as provided under Clause 2.5 of the *Dubbo Local Environmental Plan 2011*, represents the best method of achieving the desired outcome.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY

There are no overriding Regional or Sub-regional strategies that directly relate to the site and its residential development within the Dubbo LGA or Central West Region.

4.2.2 CONSISTENT WITH COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN

There are no local strategies or strategic plans that directly relate to the site and its residential development within the Dubbo LGA or Central West Region.

4.2.3 CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

Orana Regional Environmental Plan No. 1 – Siding Spring Observatory

The only regional/sub-regional strategy relating to the Dubbo Local Government Area is the *Orana Regional Environmental Plan No. 1 – Siding Spring Observatory*. However as the Siding Spring Observatory is located more than 100 kilometres away in Coonabarabran, and given there is no proposed development or material change to the site, no adverse effect upon the operations of the Observatory is foreseen.

State Environmental Planning Policy No. 21 – Caravan Parks

The additional permitted use would not affect the sites ability to be used as a caravan parks as they are a permitted use within the R2 and R5 land use tables subject to development consent being granted. If the land were to be developed in this manner such development would be required to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy. It is not the development intention of these sites to be developed as a caravan park.

State Environmental Planning Policy No. 36 – Manufactured Home Estates

The additional permitted use would not affect the sites ability to be developed as a 'manufactured home estate' development as they are a permitted use within the R2 and R5 land use table subject to development consent being granted. If the land were to be developed in this manner such development would be required to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy No. 64 – Advertising and Signage

The current zoning of the site would enable the limited business, as well as the additional permitted use, subject to development consent from Council. If signage were to form part of a future development application the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* would apply and the development would need to ensure the relevant provisions of the policy are achieved. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* would continue to apply to residential affected development in accordance with the provisions of this policy. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* would continue to apply to the land with future development under this plan being subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of *State Environmental Planning Policy (Infrastructure) 2007* would continue to apply consistent with that achievable under the current zoning. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The site is not located within any identified resource areas, potential resource areas or transitional areas. There are no known existing mines, petroleum production operations or extractive industries in the area of the PP or within its vicinity. Given existing development on the site and within the immediate

locality the PP would be of minor significance and would not further restrict development potential or create land use conflict beyond existing arrangements.

State Environmental Planning Policy (exempt and Complying Development Codes) 2008

The provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 would continue to apply to the land generally consistent with that achievable under the current land zoning. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 would continue to apply to the land with future development under this plan being subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy.

4.2.4 CONSISTENT WITH APPLICABLE S117 (2) MINISTERIAL DIRECTIONS – 3.1 RESIDENTIAL ZONES

The Minister for Planning and Infrastructure, under Section 117(2) of the EP&A Act 1979 issues directions that local Councils must follow when preparing PP's for new Local Environmental Plans. The directions cover the following broad categories:

1. Employment and Resources
2. Environment and Heritage
3. Housing, Infrastructure and Urban Development
4. Hazard and Risk
5. Regional Planning
6. Local Plan Making

The following discussion demonstrates the PP's consistency with the relevant Section 117 directions.

Direction 1.3 – Mining, Petroleum Production and Extractive Industries

Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries is not applicable as the PP affected land does not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials or restricting the potential development of such by permitting a land use that is likely to be incompatible with such development.

It is noted that the sites are currently zoned for residential use and are provided with a buffer of existing residentially zoned land.

Direction 2.1 – Environment Protection Zones

Ministerial Direction 2.1 – Environment Protection Zones does apply to the PP as some areas of the subject site is mapped by the *Dubbo Local Environmental Plan 2011* Natural Resource Biodiversity Map NRB_008 as featuring moderate to high biodiversity characteristics.

It is considered that as a result of this PP, no adverse impact would occur to any environmentally sensitive area on the subject site. However, consideration of potential impacts upon the biodiversity characteristics of the site have been undertaken as detailed within the supporting ecological advice is attached as **Appendix A**.

Direction 3.1 – Residential Zones

Ministerial Direction 3.1 – Residential Zones is applicable as the PP proposes the residential zones across the site.

As stated above the PP is located in an area that contains adequate access to services such as sewerage and water. The development of the site would maintain the efficient use of these existing services.

Direction 3.3 – Home Occupations

Ministerial Direction 3.3 – Home Occupations is applicable as the R2 Low Density Residential and R5 Large Lot Residential zones permits dwelling houses. The objective of this direction is to encourage the carrying out of low-impact small business in dwelling houses. The PP maintains existing provisions that enable 'home occupations' to be carried out without the need of development consent.

Direction 3.4 – Integrating Land Use and Public Transport

Ministerial Direction 3.4 – Integrating Land Use and Public Transport is applicable as the PP would rezone land for urban residential purposes.

In accordance with the following, the rezoning of the subject site for urban residential purposes must be consistent with the aims and objectives of the following documents.

"A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001)".*

With reference to the abovementioned documents, future visitors to the premises would have access to future public transport nodes which would traverse south west of Dubbo.

The provision of dwelling house developments in a location serviced by public transport is desired as future visitors could use such services as one of their means of transportation around Dubbo.

The ongoing use of this site as opposed to other sites in the LGA would negate the need for new transport routes such as new bus routes and road facilities on the urban fringe and would be consistent with those transport routes of the future for Dubbo.

Direction 4.4 – Bushfire Prone Land

Pursuant to Ministerial Direction No. 4.4 – 'Planning for Bushfire, Dubbo City Council is required, prior to the preparation of a planning proposal that effects, or is in proximity to land mapped as bushfire prone land, to consult with the NSW Rural Fire Service, under Section 56 of that Act and take into account any comments so made.

A Bushfire Constraints Assessment has been undertaken and an assessment of the bushfire protection measures required to address the bushfire risk to the future residential development, consistent with the specifications of Planning for Bushfire Protection 2006.

The characteristics of the site, as discussed in this report, together with the fire protection measures recommended, provide that the rezoning and subsequent subdivision of the land is suitable in terms of its intended land use.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

The proposed additional permitted use does not include provisions that would trigger a need for concurrence, consultation, or referral to the State Government.

Direction 6.3 – Site Specific Provisions

Ministerial Direction 6.3 – Site Specific Provisions applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

The PP does not propose to create any site specific development standards in addition to those currently within the principal environmental planning instrument.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

There are no proposed material changes on the subject site or clearing of any native vegetation as a result of the additional permitted use PP. The Ecological Impact Assessment undertaken on the site by OzArk, dated 28 August 2015 (**Appendix A**) and confirms that there have not been any critical habitats present or listed in the locality. It is therefore considered that no threatened species or ecological communities would be adversely affected as a result of this PP. Any future development of these sites would require due consideration of relevant environmental impacts.

4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The PP simply proposed the additional permitted use of hotel or motel accommodation on the site, with no proposed works or alterations to be performed. The subject site already features existing structures and facilities that were associated with the previous use of hostel style accommodation. It is therefore highly unlikely that any adverse environmental effects would occur as a result of this PP.

4.3.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The proposed additional permitted use on the site would have a positive social and economic effect for the site and surrounding locality, by maintaining and improving the tourist and visitor accommodation stock within the Dubbo Local Government Area.

The proposed additional permitted use allows for a more marketable arrangement for the subject site, and would allow the balance of native bushland character alongside tourist and visitor accommodation, in close proximity to Taronga Western Plains Zoo.

4.4 STATE AND COMMONWEALTH INTERESTS

4.4.1 ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PROPOSAL?

The existing subject site and subject area for the proposed additional permitted use features existing connections to public infrastructure. The subject area features existing structures and facilities with existing access to onsite sewerage treatment facilities, water, electricity and telecommunications. Furthermore, due to the sites close location to the Dubbo urban area, the applicants are within close vicinity of any appropriate services, such as bus coaches and rail services to nearby towns.

4.4.2 VIEWS OF STATE/COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The views of State and Commonwealth public authorities would be ascertained in accordance with the comments provided in the Gateway Determination.

5.1 AMENDED MAPPING REQUIRED

- **Additional Permitted Uses Map APU_008A of the DLEP 2011, as shown on supporting plan 115143_02A_TP02 prepared by Geolyse Pty Ltd.**

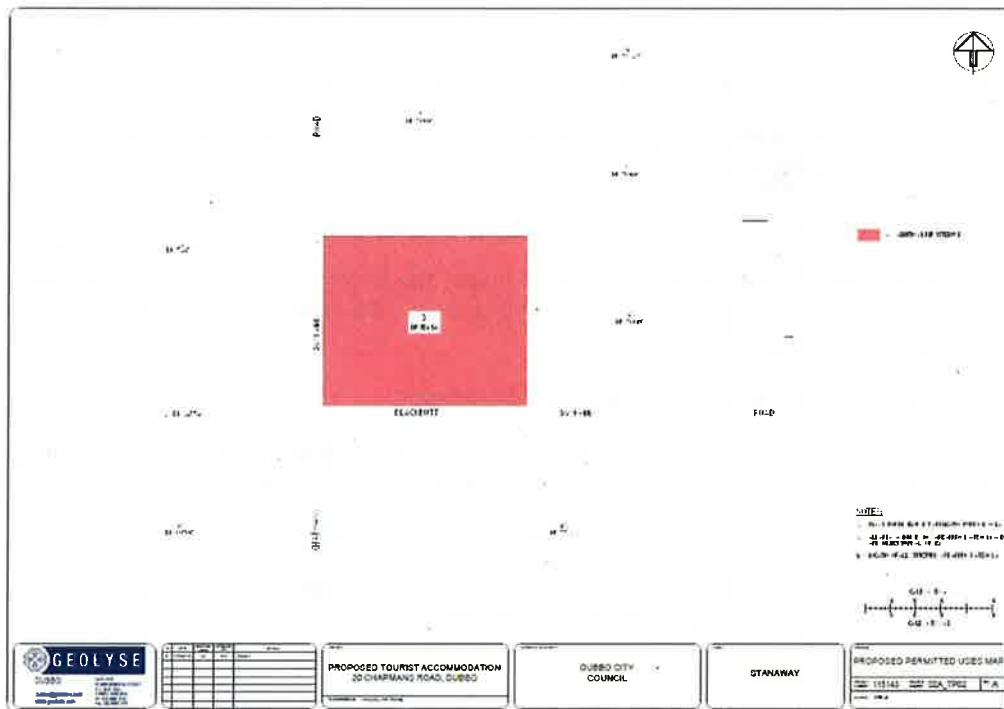


Figure 2: 115143_02A_TP02 prepared by Geolyse Pty Ltd

Community Consultation

6.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other Planning Proposals (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The proposed additional permitted use on the subject site accords with Council's local strategies and policies as detailed above and would be consistent with the existing use on the site and with the surrounding land uses.

- *Consistent with the strategic planning framework;*

Responses have been provided within section 4.2 of this report detailing the proposal's compliance with relevant local, regional and state planning strategies, policies, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

The existing use and any potential future development of the site would have access to the existing sewer, water, electricity and telecommunication facilities.

- *Not a principle LEP; and*

Not relevant.

- *Does not reclassify public land.*

The PP does not seek to reclassify existing public land.

In accordance with the responses to the above 'Low Impact Proposals' guide, the PP is considered to be of low impact. Respectfully, it is therefore requested that a community consultation period of 14 days be applied to the exhibition of this PP.

References

NSW Department of Planning (DoP). 2009a, A Guide to Preparing Local Environmental Plans, DoP, Sydney.

Morgan and Terry. 1992, Nature Conservation in Western New South Wales. National Park Association, Sydney.

123456789101112131415161718192021222324252627282930313233343536373839404142434445464748495051525354555657585960616263646566676869707172737475767778798081828384858687888990919293949596979899100

123456789101112131415161718192021222324252627282930313233343536373839404142434445464748495051525354555657585960616263646566676869707172737475767778798081828384858687888990919293949596979899100

Drawing

Appendix A

ECOLOGICAL IMPACT STATEMENT & ASSESSMENT

Appendix B

BUSHFIRE IMPACT ASSESSMENT

Appendix C

AHIMS SEARCH & ABORIGINAL HERITAGE ASSESSMENT REPORT

Ecology assessment for low risk proposal

Proposed Asset Protection Zone at 20L Chapmans Rd Dubbo, NSW.

DUBBO LOCAL GOVERNMENT AREA

NOVEMBER 2015

1 INTRODUCTION

The purpose of this document is to describe the proposal, to document the likely impacts of the proposal on ecology, to detail mitigation measures to be implemented and to determine whether the project can proceed. For the purposes of these works Stanaway is the proponent and the determining authority under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The description of the proposed works and associated impact to ecology has been undertaken in the context of clause 228 of the *Environmental Planning and Assessment Regulation 2000*, the *Threatened Species Conservation Act 1995* (TSC Act), the *Fisheries Management Act 1994* (FM Act) and the Australian Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In doing so the document helps to fulfil the requirements of section S79C of the EP&A Act, which Dubbo City Council examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity.

The findings of this report would be considered when assessing:

- Whether the proposal is likely to have a significant impact on the environment
- The significance of any impact on threatened species as defined by the TSC Act and/or FM Act
- The potential for the proposal to significantly impact a matter of national environmental significance or Commonwealth land and the need to make a referral to the Australian Government Department of Sustainability, Environment, Water, Population and Communities for a decision by the Commonwealth Minister for the Environment on whether assessment and approval is required under the EPBC Act.

2 THE PROPOSAL

2.1 Description

The study area is comprised of two subject sites (**Figures 1-2 and 1-3**), situated in the Dubbo Local government area (**Figure 1-1**).

1. Lot3 DP554158 20L Chapmans Road Dubbo NSW (the entire property)
2. 80 m Asset Protection Zones around all buildings and 40 m centred on the access road (**Figures 1-4 to 1-7**).

2.2 Field assessment

Field assessment related to this study area was undertaken over three hours by Phillip Cameron on 20 August 2015. A neighbouring property south of Lot3 DP554158 20L was assessed over a three week period (three full days equivalent) in late July 2015 and the ecologist acted as an archaeological assistant for an assessment of 20L Chapmans Road in 2005 for the Dubbo Heritage Assessment. A previous assessment was completed during October 2013 and March 2014 300 m east of the study area.

Weather on 20 August 2015 was fine, the temperature ranged from 12 to 18 degrees Celsius. On the morning it was cool before 10am. There were no limitations in detecting listed items or identifying habitat they are likely to be recorded in.

2.3 Reporting

Reporting components were completed by:

- Main Authors: Phillip Cameron BSc Ass Dip App Sci, *CEnvP*
- Editor: Jane Book MEnv&BusMgt, BAppSc.
- QMS Reviewer: Phillip Cameron.

2.4 Licensing and qualifications

OzArk operates under NSW Department of Primary Industries (DPI) Ethics Approval No 11/5475 and NSW Scientific Research License 101087.

2.5 Area Assessed

Coordinates (GDAz55):

Lot3 DP554158 20L Chapmans Road Dubbo NSW

- NW corner: 646891.970,6428584.725
- NE corner: 647286.273,6428519.261
- SE corner: 647229.718,6428188.515
- SW corner: 646834.424,6428256.050

Asset Protection Zones

- Internal road section (230 m x 40 m), 20 m either side of:
 - Start: 646885.433,6428547.126 (approx.)
 - End: 611612.780,6330985.838 (approx.)
- Emergency Road (internal road)
 - Start: 647105.473,6428307.648 (approx.)
 - End: 647096.507,6428212.264 (approx.)

The Outer Protection Area

- 647247.276,6428506.041
- 647043.011,6428527.868
- 647012.436,6428379.382
- 647102.573,6428325.285
- 647157.074,6428338.945
- 647242.426,6428433.217

Size of study area:

Lot3 DP554158 20L Chapmans Road Dubbo NSW is approximately 13.5 ha (Figure 1-2)

- Asset Protection Zones (6.82 ha), Figure 1-3
- The internal road section is 0.92 ha (approx.)
- The emergency road (internal) is 0.4 ha (approx.)
- The Outer Protection Area is 5.5 ha including 2.7 ha of cleared areas (approx.)

2.6 Proposal description

Inner and outer Asset Protection Zones (APZ) are required around built assets (including roads). The APZ will affect approximately 4.12 ha of native vegetation, (Figure 1-3).

Objectives of works:

- The APZ will be implemented to improve business and visitor safety
- Meet requirement of Section 44 of the Rural Fires Regulation 2013
- Minimise impact to native vegetation.

Areas requiring clearing have been shown on Figures 1-4 to 1-7.

Figure 2-1: study area showing NSW LGAs

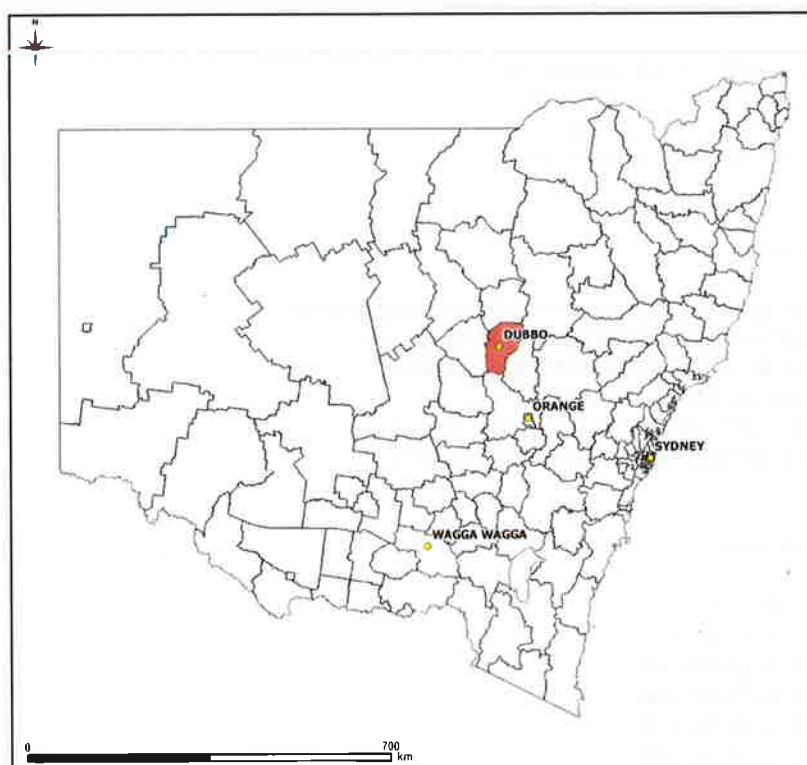


Figure 2-2: Study area showing work area assessed – aerial (Source: Six Maps)



Figure 2-3: Proposed APZ (Source: Australian Bushfire Protection Planners Pty Ltd)

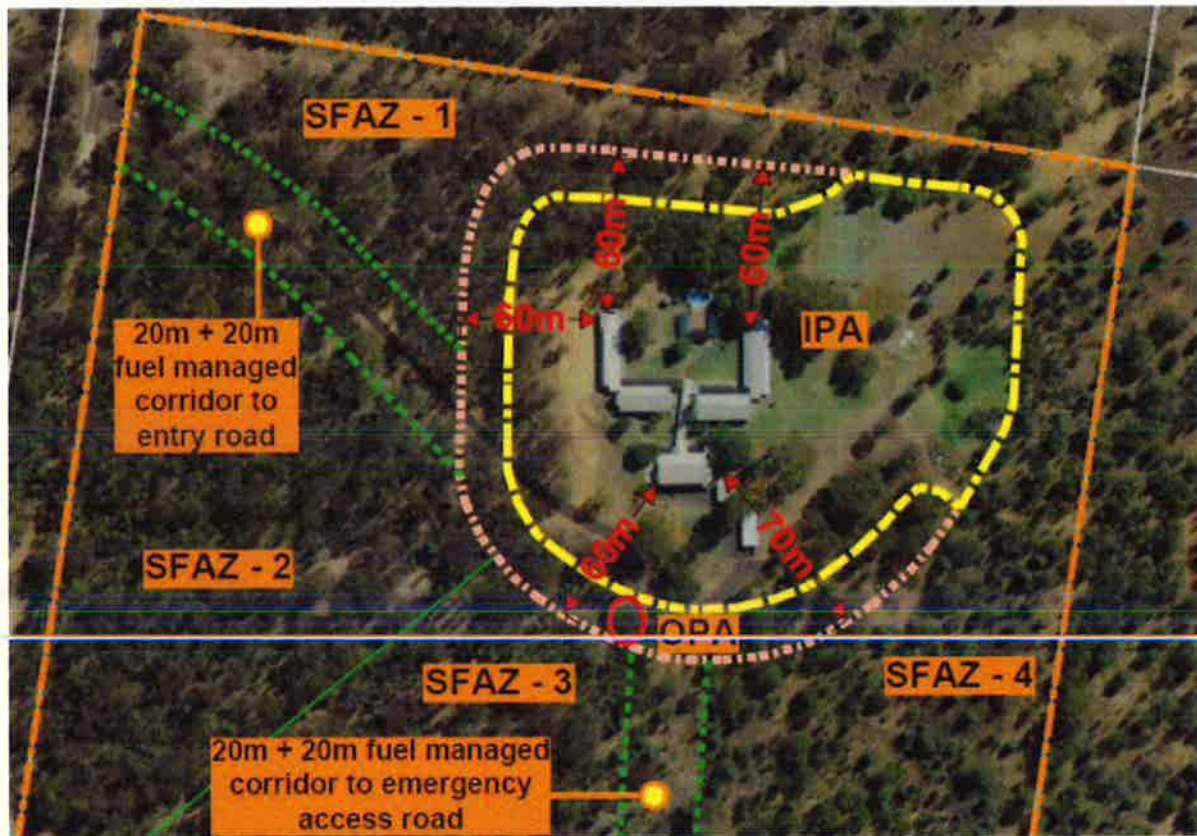


Figure 2-4: Existing Inner Protection Area and proposed Outer Protection Area



Figure 2-5: Proposed emergency access road on an existing track following the 11kV powerline



Figure 2-6: Bulloak trees in the inner and outer protection zones requiring clearing



Figure 2-7: Inland Grey Box trees in the inner protection zone that require clearing



3 ENVIRONMENTAL ASSESSMENT

The purpose of this section is to describe and assess the potential impacts (both positive and negative) of the proposal during construction and operation. For each environmental aspect, there are two subsections:

- Description of the existing environment and potential impacts
- Safeguards.

3.1 Description of the existing environment and potential impacts

A series of checkbox questions are provided. Under each question or group of questions, the report provides information on what additional information is to be provided for a 'yes' or 'no' response where relevant. The extent of information provided required reflects the sensitivity of the surrounding landscape, the extent of the proposal and the likely extent of the impacts.

3.1.1 SOIL

Are there any known occurrences of salinity or acid sulfate soils in the area? Soils in the study area are not mapped on the acid sulfate soils GIS layer.	☐ Yes	☒ No
Does the project involve the disturbance of large areas (eg >2ha) for earthwork? The cumulative total of earth disturbing works is 4.12 ha	☒ Yes	☐ No
Does the site have constraints for erosion and sedimentation controls such as steep gradients or narrow corridors?	☐ Yes	☒ No
Are there any sensitive receiving environments that are located in or nearby the likely project footprint or that would likely receive stormwater discharge from the project?	☐ Yes	☒ No
Is there any evidence within or nearby the likely footprint of potential contamination?	☐ Yes	☒ No
Is the likely project footprint in or nearby highly sloping landform?	☐ Yes	☒ No
Are the works likely to result in more than 2.5ha (area) of exposed soil? About 3 ha of soils will be temporarily exposed through removal of upper and midstratum native vegetation.	☒ Yes	☐ No
There are no other soil and erosion issues or impacts of the works in construction and operation.		

Safeguards

1. Erosion and sediment controls are required. An Erosion and Sediment Control Plan (ESCP), shall be

prepared for the work and will be in line with Landcom's Managing Urban Stormwater, Soils & Construction Guidelines (The Blue Book. Landcom 2004).

2. All chemicals on site must be recorded on a chemical manifest, have up to date Material Safety Data Sheets (MSDS).
3. A suitable spill containment kit shall be available on-site at all times; all staff will be made aware of the location of the spill kit and trained in its use. If a spill occurs, the Proponents Environmental Incident Classification and Management Procedure are to be followed and the Proponents Environmental Manager notified as soon as practicable.
4. A copy of the ESCP shall be kept on-site and made available upon request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the work.

3.1.2 WATERWAYS AND WATER QUALITY

Is work located within, adjacent to or near a waterway?	☐ Yes	☒ No
Is the location known to flood or be prone to water logging?	☐ Yes	☒ No
Are the proposed works located within or immediately adjacent to the area managed by Sydney Catchment Authority covered by <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> ?	☐ Yes	☒ No
Maps of the Sydney Water Drinking Water Catchment are available from: http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=28		
Are the works likely to require the extraction of water from a local water course (not mains)?	☐ Yes	☒ No
There are no other water quality issues or impacts of the works in construction and operation.		

Safeguards

1. Wastewater generated from the construction process (if generated) will be contained onsite, collected via a suction pump or wet industrial vacuum and/or treated in accordance with OEH specifications before its disposal. The release of dirty water into any waterways will be prohibited.
2. Ongoing maintenance will be carried out to ensure the road meets standards for safety and drainage and erosion control measures are in good working order.

3.1.3 BIODIVERSITY

Have relevant database searches been carried out?	☒ Yes	☐ No
1. OEH Wildlife Atlas & Threatened Species web site		
2. Commonwealth EPBC Protected Matters Report		
3. Macquarie VIS 816 (OEH vegetation map)		

Did the database searches or field assessment identify any endangered ecological communities, threatened flora and/or threatened or protected fauna or noxious weeds within the vicinity of the proposed works?	☒ Yes	☐ No
• OEH Search criteria: Licensed Report of all Valid Records of Threatened (listed on TSC Act 1995) Commonwealth listed CAMBA listed JAMBA listed or ROKAMBA listed Entities in Central West CMA cut by Pilliga IBRA Subregion returned a total of 301 records of 42 species. Report generated on 23/11/2015 4:30 PM • Plotted Wildlife Atlas data can be seen in Appendix 1. • Commonwealth EPBC Search criteria: Interactive Map centred on the study area: Report generated on 23/11/2015. See Appendix 2. • Thirty-five species listed under the TSC Act and 16 species listed under the EPBC were identified within 10 km of the study area. • Assessments of Significance can be found in Appendix 3. • Ninety-three noxious weeds were returned on the DPI web site for the Dubbo LGA (Appendix 4). None were recorded in the Study Area.		
<u>Endangered ecological communities</u>		
• The Macquarie VIS 816 (OEH vegetation map) maps 20L Chapmans Road as Ironbark Woodlands on slopes and hills (Narrow-leaf Red Ironbark/Mugga Ironbark/Black Cypress Pine woodland) on dry areas. This is consistent with the vegetation community observed in the study area. • This vegetation community is identified within the Biometric database as CW156 Mugga Ironbark - Inland Grey Box shrubby woodland of the Brigalow Belt South Bioregion. • While Inland Grey Box trees are found in this community they are rarely more than five trees in a small area and less than ten trees across the entire property. Because the community is dominated by Mugga Ironbark and has a shrubby ground stratum it is not considered to be an EEC.		
<u>Threatened flora</u>		
• Five species of listed flora were considered to have potential to occur in the study area ("Potential" = suitable habitat for a species occurs on the study area, but there is insufficient information to the species as likely to occur, or unlikely to occur). None of these were observed or considered extant in the study area. • No flora species are 'affected' species and assessments of significance or 7-part tests are not required.		
<u>Threatened or protected fauna within the vicinity of the proposed works</u>		
• 17 species of listed fauna were considered to have potential to occur in CW156 Mugga Ironbark - Inland Grey Box shrubby woodland of the Brigalow Belt South Bioregion in the study area, the Regent Honey-eater was considered likely to occur while the Grey-crowned Babbler is known to occur in the study area: ○ Care was taken to identify nests for Grey-crowned Babbler in all trees in the study area (a very common locally occurring listed species) and none were observed in the APZ however nests were		

observed north of the emergency access road (out of the proposed impact footprint) . ○ Only the Regent Honey-eater and the Grey-crowned Babbler (eastern sub species) are 'affected' species. ○ An assessment of significance demonstrates the impact to these species would not be significant (Appendix 3). <u>Noxious weeds within the vicinity of the proposed works</u> All species listed in Appendix 4 have potential to be recorded in the study area but none were recorded.		
Will the proposed works require the removal of any other vegetation? • About 4.12 ha of CW156 Mugga Ironbark - Inland Grey Box shrubby woodland of the Brigalow Belt South Bioregion will be thinned and under scrubbed in Outer Protection Area while all substantive native vegetation in the Inner Protection Area will be removed (Figure 1-3) • About 9.3 ha of native vegetation will remain within 20L Chapmans Road.	☒ Yes	☐ No
Will the proposed works affect any tree hollows or hollow logs?	☐ Yes	☒ No
Are there any known areas of critical habitat, SEPP 14 wetland area or SEPP 26 littoral rainforest area within the vicinity of the proposed works?	☐ Yes	☒ No
Will the proposed works provide any additional barriers to the movement of wildlife?	☐ Yes	☒ No
Will the proposed works disturb any natural waterways or aquatic habitat?	☐ Yes	☒ No
Will the proposed works disturb any crevices or other locations for potential bat habitat?	☐ Yes	☒ No
Will there be impact on any vegetation or land that is part of an offset or is protected under a condition of approval from a previous project?	☐ Yes	☒ No
No other biodiversity issues or impacts of the works will occur in construction and operation.		

Safeguards

1. All personnel would be inducted and informed any stand of native vegetation outside the subject site has legislative consequences if deliberately or accidentally impacted without approval under the EP&A Act. Evidence of all personnel receiving an induction would be kept on file (signed induction sheets)

etc.).

2. Before starting work build a physical vegetation clearing boundary at the approved clearing limit (temporary fencing, flagging tape, parawebbing or similar) or use line marking paint or flagging tape.
3. All vehicles would have wash down certificates before starting work and be cleaned after ground surface work is complete.
4. Vegetation would be removed only in the approved impact footprint and avoid damage to surrounding vegetation.
5. Disturbed areas to be lightly ripped before vacating site to encourage revegetation of native flora species.
6. Erosion and sediment controls are required. An Erosion and Sediment Control Plan (ESCP), shall be prepared for the work and would be in line with Landcom's Managing Urban Stormwater, Soils & Construction Guidelines (The Blue Book. Landcom 2004).
7. Construction machinery (bulldozers, excavators, trucks, loaders and graders) would be cleaned using a high-pressure washer (or other suitable device) before mobilisation to the work site.
8. A pre-clearing process and unexpected threatened species finds procedure would be implemented before clearing begins. The unexpected threatened species finds procedure would see the Dubbo City Council environment officer contacted before work continues.

3.1.4 TREES

Description of existing environment and potential impacts:

Do the proposed works involve pruning, trimming or removal of any tree/s?	☒ Yes	☐ No
Do the trees form part of a streetscape, an avenue or roadside planting?	☐ Yes	☒ No
Have the trees been planted by a community group, landcare group or by council or is the tree a memorial or part of a memorial group eg. has a plaque?	☐ Yes	☒ No
Do the trees form part of a heritage listing or have other heritage value?	☐ Yes	☒ No
No other tree issues or impacts of the works will occur in construction and operation.		

Safeguards

1. See biodiversity safeguards.

4 CONSIDERATION OF STATE AND COMMONWEALTH ENVIRONMENTAL FACTORS

4.1 Environmental Planning and Assessment Regulation 2000 checklist

The purpose of this section is to consider the relevant factors in clause 228(2) of the *Environmental Planning and Assessment Regulation 2000*. The following factors listed in clause 228(2) of the *Environmental Planning and Assessment Regulation, 2000* have also been considered to assess the likely impacts of the proposal on the natural and built environment. This consideration is required to comply with sections 111 and 112 of the *Environmental Planning and Assessment Act 1979*.

Environmental Factor	Impacts
(a) Any environmental impact on a community?	No
(b) Any transformation of a locality?	No
(c) Any environmental impact on the ecosystems of a locality?	No
(d) Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?	No
(e) Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present generations?	No
(f) Any impact on habitat of any protected fauna (within the meaning of the <i>National Parks and Wildlife Act 1974</i>)?	No
(g) Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?	No
(h) Any long-term effects on the environment?	No
(i) Any degradation of the quality of the environment?	No
(j) Any risk to the safety of the environment?	No
(k) Any reduction in the range of beneficial uses of the environment?	No
(l) Any pollution of the environment?	No
(m) Any environmental problems associated with the disposal of waste?	No

Environmental Factor	Impacts
(n) Any increased demands on resources, natural or otherwise which are, or are likely to become, in short supply?	No
(o) Any cumulative environmental effect with other existing or likely future activities?	No
(p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions?	No

4.2 Matters of national environmental significance checklist

Under the environmental assessment provisions of the *Environment Protection and Biodiversity Conservation Act 1999*, the following matters of national environmental significance are required to be considered to assist in determining whether the proposal should be referred to the Australian Government Department of Sustainability, Environment, Water, Population and Communities.

FACTOR	IMPACT
a. Any impact on a World Heritage property?	Nil
b. Any impact on a National Heritage place?	Nil
c. Any impact on a wetland of international importance?	Nil
d. Any impact on a listed threatened species or communities?	Nil
e. Any impacts on listed migratory species?	Nil
d. Any impact on a Commonwealth marine area?	Nil
g. Does the proposal involve a nuclear action (including uranium mining)?	Nil
Additionally, any impact (direct or indirect) on Commonwealth land?	Nil

4.3 Summary of safeguards and environmental management measures

This section provides a summary of the site specific environmental safeguards and management measures (Table 4-1). These safeguards will be implemented to reduce potential environmental impacts throughout construction and operation. A framework for managing the potential impacts is provided. Any potential licence and/or approval requirements required prior to construction are also listed.

Table 4-1: Summary of site-specific safeguards for proposed works.

Soil	1. Erosion and sediment controls are required. An Erosion and Sediment Control Plan (ESCP), shall be prepared for the work and will be in line with Landcom's Managing Urban Stormwater, Soils & Construction Guidelines (The Blue Book. Landcom 2004). 2. All chemicals on site must be recorded on a chemical manifest, have up to date Material Safety Data Sheets (MSDS). 3. A suitable spill containment kit shall be available on-site at all times; all staff will be made aware of the location of the spill kit and trained in its use. If a spill occurs, the Proponents Environmental Incident Classification and Management Procedure are to be followed and the Proponents Environmental Manager notified as soon as practicable. 4. A copy of the ESCP shall be kept on-site and made available upon request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the work.
Water	5. Wastewater generated from the construction process (if generated) will be contained onsite, collected via a suction pump or wet industrial vacuum and/or treated in accordance with OEH specifications before its disposal. The release of dirty water into any waterways will be prohibited. 6. Ongoing maintenance will be carried out to ensure the road meets standards for safety and drainage and erosion control measures are in good working order.
Biodiversity and trees	7. All personnel would be inducted and informed any stand of native vegetation outside the subject site has legislative consequences if deliberately or accidentally impacted without approval under the EP&A Act. Evidence of all personnel receiving an induction would be kept on file (signed induction sheets etc). 8. Before starting work build a physical vegetation clearing boundary at the approved clearing limit (temporary fencing, flagging tape, parawebbing or similar) or use line marking paint or flagging tape. 9. All vehicles would have wash down certificates before starting work and be cleaned after ground surface work is complete. 10. Vegetation would be removed only in the approved impact footprint and avoid damage to surrounding vegetation. 11. Erosion and sediment controls are required. An Erosion and Sediment Control Plan (ESCP), shall be prepared for the work and would be in line with Landcom's Managing Urban Stormwater, Soils & Construction Guidelines (The Blue Book. Landcom 2004). 12. Construction machinery (bulldozers, excavators, trucks, loaders and graders) would be cleaned using a high-pressure washer (or other suitable device) before mobilisation to the work site. 13. A pre-clearing process and unexpected threatened species finds procedure would be implemented before clearing begins. The unexpected threatened species finds procedure would see the Dubbo City Council environment officer contacted before work continues.

4.4 Licensing and approvals

No licences or approvals (other than project approvals) are required or need consideration.

5 CERTIFICATION, REVIEW AND DECISION

5.1 Certification

This ecology and desktop heritage assessment provides a true and fair review of the proposal in relation to its potential effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposal.

Prepared by:



Insert signature:

Insert name: Phillip CAMERON

Position title: Principal Ecologist / Senior Project Manager

Company details: OzArk Environmental & Heritage Management Pty Limited

Date: 23.11.2015

Report reviewed by:

Insert signature

Insert name

Position title

Company details (if relevant)

Date:

Appendix 1

TSC ACT Search results – 10km buffer

Kingdom Name	Class Name	Scientific Name	Common Name	NSW Status	Comm Status	No. in 10 km
Fauna	Aves	<i>Anseranas semipalmata</i>	Magpie Goose	V,P		2
Fauna	Aves	<i>Phaethon rubricauda</i>	Red-tailed Tropicbird	V,P		1
Fauna	Aves	<i>Apus pacificus</i>	Fork-tailed Swift	P	C,J,K	1
Fauna	Aves	<i>Hirundapus caudacutus</i>	White-throated Needletail	P	C,J,K	3
Fauna	Aves	<i>Plegadis falcinellus</i>	Glossy Ibis	P	C	1
Fauna	Aves	<i>Circus assimilis</i>	Spotted Harrier	V,P		13
Fauna	Aves	<i>Hieraaetus morphnoides</i>	Little Eagle	V,P		8
Fauna	Aves	<i>Falco subniger</i>	Black Falcon	V,P		6
Fauna	Aves	<i>Rostratula australis</i>	Australian Painted Snipe	E1,P	E	2
Fauna	Aves	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	P	C,J,K	2
Fauna	Aves	<i>Philomachus pugnax</i>	Ruff	P	C,J,K	1
Fauna	Aves	<i>Tringa stagnatilis</i>	Marsh Sandpiper	P	C,J,K	1
Fauna	Aves	<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	V,P,2		11
Fauna	Aves	<i>Lophochroa leadbeateri</i>	Major Mitchell's Cockatoo	V,P,2		1
Fauna	Aves	<i>Glossopsitta pusilla</i>	Little Lorikeet	V,P		2
Fauna	Aves	<i>Lathamus discolor</i>	Swift Parrot	E1,P,3	E	1
Fauna	Aves	<i>Neophema pulchella</i>	Turquoise Parrot	V,P,3		6
Fauna	Aves	<i>Polytelis swainsonii</i>	Superb Parrot	V,P,3	V	18
Fauna	Aves	<i>Ninox connivens</i>	Barking Owl	V,P,3		6
Fauna	Aves	<i>Merops ornatus</i>	Rainbow Bee-eater	P	J	29
Fauna	Aves	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V,P		4
Fauna	Aves	<i>Chthonicola sagittata</i>	Speckled Warbler	V,P		5
Fauna	Aves	<i>Anthochaera phrygia</i>	Regent Honeyeater	E4A,P	E	15
Fauna	Aves	<i>Epthianura albifrons</i>	White-fronted Chat	V,P		1
Fauna	Aves	<i>Meliphreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)	V,P		1
Fauna	Aves	<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V,P		121
Fauna	Aves	<i>Daphoenositta chrysoptera</i>	Varied Sittella	V,P		1
Fauna	Aves	<i>Melanodryas cucullata cucullata</i>	Hooded Robin (south-eastern form)	V,P		1
Fauna	Aves	<i>Petroica phoenicea</i>	Flame Robin	V,P		2
Fauna	Aves	<i>Stagonopleura guttata</i>	Diamond Firetail	V,P		7
Fauna	Mammalia	<i>Macrotis lagotis</i>	Bilby	E4,P	V	1

Fauna	Mammal	<i>Phascolarctos cinereus</i>	Koala	V,P	V	1
Fauna	Mammal	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V,P	V	1
Fauna	Mammal	<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheathtail-bat	V,P		2
Fauna	Mammal	<i>Chalinolobus picatus</i>	Little Pied Bat	V,P		2
Fauna	Mammal	<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat	V,P		1
Fauna	Mammal	<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat	V,P	V	1
Flora	Flora	<i>Calotis glandulosa</i>	Mauve Burr-daisy	V,P	V	2
Flora	Flora	<i>Indigofera efoliata</i>	Leafless Indigo	E1,P,3	E	10
Flora	Flora	<i>Commersonia procumbens</i>		V,P	V	4
Flora	Flora	<i>Diuris tricolor</i>	Pine Donkey Orchid	V,P,2		3

Wildlife Atlas mapping

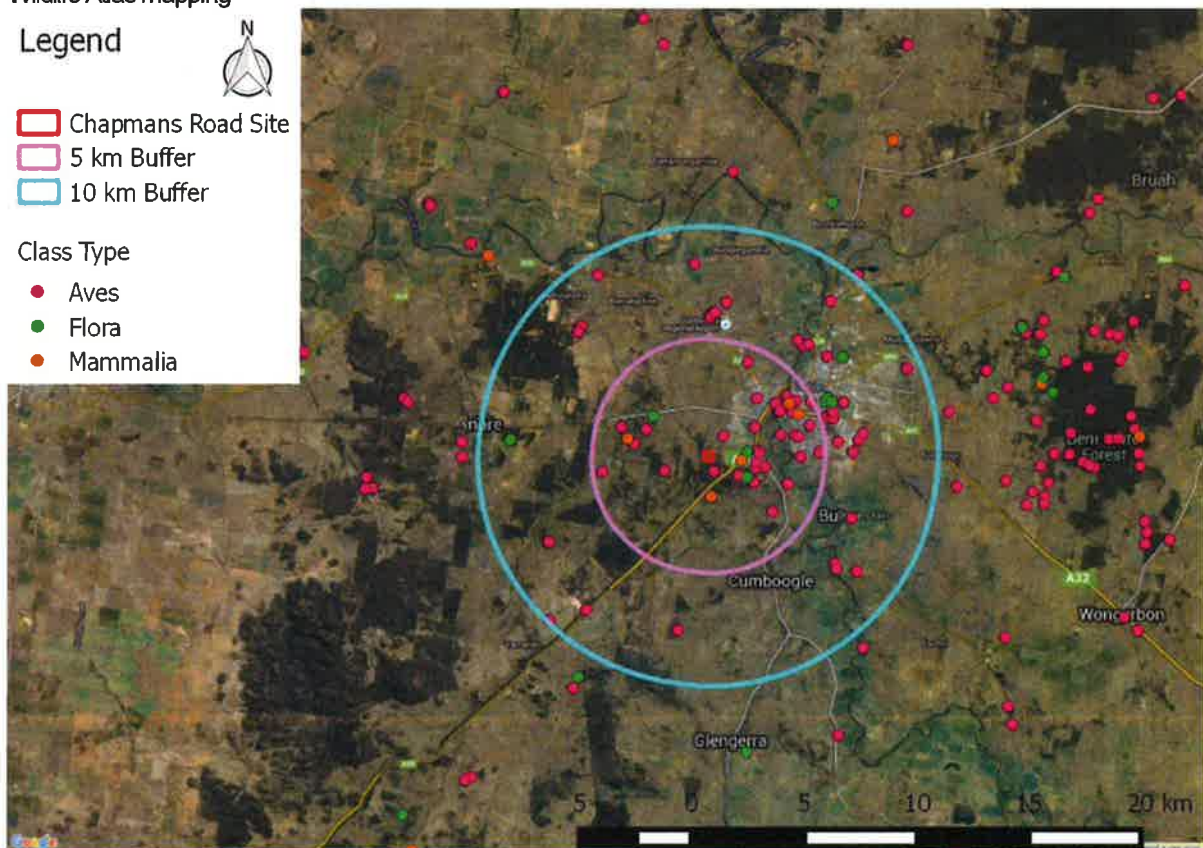
Legend



- Chapmans Road Site
- 5 km Buffer
- 10 km Buffer

Class Type

- Aves
- Flora
- Mammalia



Appendix 2:

EPBC Protected Matters Report





EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 23/11/15 18:16:05

[Summary](#)

[Details](#)

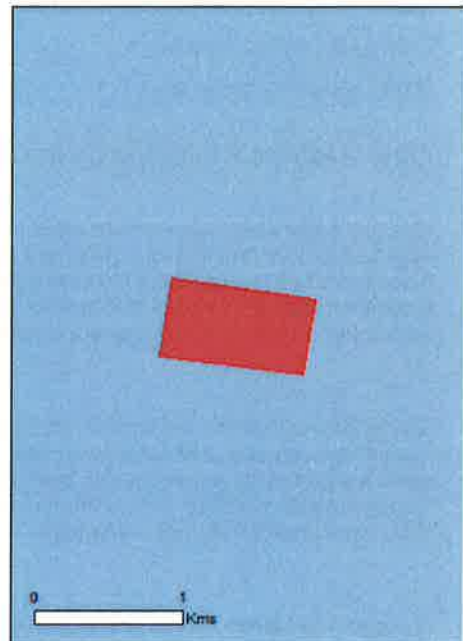
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
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[Coordinates](#)

Buffer: 0.0Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	4
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	5
Listed Threatened Species:	13
Listed Migratory Species:	8

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	11
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Commonwealth Reserves Marine:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	None
Regional Forest Agreements:	None
Invasive Species:	26
Nationally Important Wetlands:	None
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

Wetlands of International Importance (Ramsar)	[Resource Information]
Name	Proximity
Banrock station wetland complex	700 - 800km upstream
Riverland	700 - 800km upstream
The coorong, and lakes alexandrina and albert wetland	900 - 1000km upstream
The macquarie marshes	150 - 200km upstream

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Coolibah - Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions	Endangered	Community may occur within area
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community may occur within area
Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland	Critically Endangered	Community may occur within area
Weeping Myall Woodlands	Endangered	Community may occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community likely to occur within area

Listed Threatened Species [Resource Information]

Name	Status	Type of Presence
Birds		
Anthochaera phrygia Regent Honeyeater [82338]	Critically Endangered	Species or species habitat known to occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area
Lathamus discolor Swift Parrot [744]	Endangered	Species or species habitat may occur within area
Leipoa ocellata Malleefowl [934]	Vulnerable	Species or species habitat likely to occur within area
Polytelis swainsonii Superb Parrot [738]	Vulnerable	Species or species habitat likely to occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area

Fish

Name	Status	Type of Presence
Maccullochella peelii Murray Cod [66633]	Vulnerable	Species or species habitat may occur within area
Mammals		
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat likely to occur within area
Nyctophilus corbeni Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat likely to occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat may occur within area
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Plants		
Tylophora linearis [55231]	Endangered	Species or species habitat may occur within area
Reptiles		
Aprasia parapulchella Pink-tailed Worm-lizard, Pink-tailed Legless Lizard [1665]	Vulnerable	Species or species habitat may occur within area
Listed Migratory Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat may occur within area
Migratory Wetlands Species		
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species

[Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
<u>Apus pacificus</u> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<u>Ardea alba</u> Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
<u>Ardea ibis</u> Cattle Egret [59542]		Species or species habitat may occur within area
<u>Gallinago hardwickii</u> Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
<u>Haliaeetus leucogaster</u> White-bellied Sea-Eagle [943]		Species or species habitat may occur within area
<u>Hirundapus caudacutus</u> White-throated Needletail [682]		Species or species habitat known to occur within area
<u>Lathamus discolor</u> Swift Parrot [744]	Endangered	Species or species habitat may occur within area
<u>Merops ornatus</u> Rainbow Bee-eater [670]		Species or species habitat may occur within area
<u>Motacilla flava</u> Yellow Wagtail [644]		Species or species habitat may occur within area
<u>Myiagra cyanoleuca</u> Satin Flycatcher [612]		Species or species habitat may occur within area
<u>Rostratula benghalensis (sensu lato)</u> Painted Snipe [889]	Endangered*	Species or species habitat may occur within area

Extra Information

Invasive Species

[Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
Birds		
<i>Acridotheres tristis</i> Common Myna, Indian Myna [387]		Species or species habitat likely to occur within area
<i>Anas platyrhynchos</i> Mallard [974]		Species or species habitat likely to occur within area
<i>Carduelis carduelis</i> European Goldfinch [403]		Species or species habitat likely to occur within area
<i>Columba livia</i> Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
<i>Passer domesticus</i> House Sparrow [405]		Species or species habitat likely to occur within area
<i>Streptopelia chinensis</i> Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
<i>Sturnus vulgaris</i> Common Starling [389]		Species or species habitat likely to occur within area
<i>Turdus merula</i> Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Mammals		
<i>Bos taurus</i> Domestic Cattle [16]		Species or species habitat likely to occur within area
<i>Canis lupus familiaris</i> Domestic Dog [82654]		Species or species habitat likely to occur within area
<i>Felis catus</i> Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
<i>Lepus capensis</i> Brown Hare [127]		Species or species habitat likely to occur within area
<i>Mus musculus</i> House Mouse [120]		Species or species habitat likely to occur within area
<i>Oryctolagus cuniculus</i> Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area

Name	Status	Type of Presence
<i>Rattus rattus</i> Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
<i>Sus scrofa</i> Pig [6]		Species or species habitat likely to occur within area
<i>Vulpes vulpes</i> Red Fox, Fox [18]		Species or species habitat likely to occur within area
Plants		
<i>Asparagus asparagoides</i> Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
<i>Lycium ferocissimum</i> African Boxthorn, Boxthorn [19235]		Species or species habitat likely to occur within area
<i>Opuntia</i> spp. Prickly Pears [82753]		Species or species habitat likely to occur within area
<i>Pinus radiata</i> Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat may occur within area
<i>Rubus fruticosus</i> aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
<i>Sagittaria platyphylla</i> Delta Arrowhead, Arrowhead, Slender Arrowhead [68483]		Species or species habitat likely to occur within area
<i>Salix</i> spp. except <i>S. babylonica</i> , <i>S. x calodendron</i> & <i>S. x reichardtii</i> Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
<i>Senecio madagascariensis</i> Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]		Species or species habitat likely to occur within area
<i>Tamarix aphylla</i> Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]		Species or species habitat likely to occur within area

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-32.274122 148.567728,-32.273215 148.558644,-32.269151 148.559574,-32.27024 148.568457,-32.274122 148.567728

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Parks and Wildlife Commission NT, Northern Territory Government](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Atherton and Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

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Appendix 3:

DoE Assessments of Significance

Critically endangered or endangered species

An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:	Regent Honeyeater (<i>Xanthomyza Phrygia</i>) Endangered EPBC 1999
Lead to a long-term decrease in the size of a population	No specific evidence exists to confirm the presence of a population of the species in the study area however, resources for individuals exist and individuals are known from the local area. Based upon knowledge at hand there is potential that only transient individuals will be affected by the proposed action. The proposal would not lead to a long-term decrease in the size of the population.
Reduce the area of occupancy of the species	A general paucity of information must be acknowledged in relation to the cumulative effects of land clearing on habitat suitable for this species in the region. Therefore only generalist assumptions can be made. If the species utilises resources in the study area there is potential that the area of occupancy will be reduced.
Fragment an existing population into two or more populations	Only individuals are likely to use resources in the study area and it is unlikely a population exists therefore fragmentation cannot occur.
Adversely affect habitat critical to the survival of a species	The proposal will thin a portion of a mature woodland tree canopy (preferred food species) totalling c. 2 ha. The proposal will not adversely affect habitat critical to the survival of individuals of this species.
Disrupt the breeding cycle of a population	Breeding populations are not known in the region since 2002.
Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	There is not enough regional information (i.e. how much remnant habitat or similar quantity of preferred habitat for the species occurs) to predict if individuals of the species are likely to decline if any area of habitat is removed but it is unlikely the APZ will be the trigger for a local extant population crash. The proposal is unlikely to modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.
Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the critically endangered or endangered species habitat	Fragmentation of the existing remnant increases the probability of invasion by the European blackbird and starlings.
Interfere with the recovery of the species	Cumulatively on a regional level removal / thinning of c 2 ha (figuratively using a size of a potential immediate impact) of preferred food item for this species of has the limited potential to interfere with overall species recovery however the likelihood of the species occurring is very low.
Conclusion	The species will not be significantly affected by the proposal.

7-part test of significance – NSW TSC Act 1995

7-Part Test Criteria	Regent Honeyeater (<i>Xanthomyza Phrygia</i>) E TSC Act 1995	Grey-crowned Babbler (<i>Pomatostomus temporalis temporalis</i>) V TSC Act 1995
1) in the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.	Clearing would reduce the availability of a locally occurring food source. The species are not known to breed in the Dubbo region since 2002 (historically this was the case but not now), therefore the impact would not disrupt that part of the life cycle. As this species does not breed in the locality there is a reduced chance that a local population would become extinct, however the extent of clearing over time would eventually dictate the likelihood of the species to occur. Proposed APZ would thin about 2 ha of native vegetation. Within the study area there are approximately 200 mature and semi-mature native trees. Reduction of the food supply but will not cause a local population to become extinct.	Although unlikely to occur, a local population would not be placed at risk of extinction. This species is locally common. The activity is unlikely to affect the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.
2) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	Not relevant	Not relevant
3) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed: (i) is likely to have an adverse effect on the extent of the ecological community such that its occurrence is likely to be placed at risk of extinction, or (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.	Not relevant	Not relevant
4) in relation to habitat of a threatened species, population or ecological community: (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.	Approximately 2ha of land will be thinned and underscrubbed as a result of the proposal. Fragmentation and/or isolation of potential habitat would not occur. This type of habitat is important for the survival of the many avian species. The scale of the proposed works will not affect the long-term survival of the Regent Honeyeater.	Approximately 2ha of land will be thinned and underscrubbed as a result of the proposal. Fragmentation and/or isolation of potential habitat would not occur. This type of habitat is important for the survival of the many avian species. The scale of the proposed works will not affect the long-term survival of the Grey-crowned Babbler
5) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	Critical habitat for this species has not been declared and at present there are no habitats listed as critical in the locality	Critical habitat for this species has not been declared and at present there are no habitats listed as critical in the locality.
6) whether the actions proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	A recovery plan or threat abatement plan for this species has not been written.	A recovery plan or threat abatement plan for this species has not been written.

7-Part Test Criteria	Regent Honeyeater (<i>Xanthomyza Phrygia</i>) E TSC Act 1995	Grey-crowned Babbler (<i>Pomatostomus temporalis temporalis</i>) V TSC Act 1995
7) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.	Clearing of native vegetation.	Clearing of native vegetation.
Conclusion	A Species Impact Statement is not required due to the low probability of the species utilising the area and the low probability of further study shedding any more light on the bird's.	

Appendix 4:

Weeds of Dubbo LGA

Weed	Class	
African boxthorn <i>Lycium ferocissimum</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
African feather grass <i>Cenchrus macrourus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
African turnip weed - eastern <i>Sisymbrium thellungii</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
African turnip weed - western <i>Sisymbrium runcinatum</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Alligator weed <i>Alternanthera philoxeroides</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Anchored water hyacinth <i>Eichhornia azurea</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Annual ragweed <i>Ambrosia artemisiifolia</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Arrowhead <i>Sagittaria calycina</i> var. <i>calycina</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Artichoke thistle <i>Cynara cardunculus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Asparagus - climbing asparagus fern <i>Asparagus plumosus</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Asparagus - ground asparagus <i>Asparagus aethiopicus</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Asparagus weeds <i>Asparagus species</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Athel pine <i>Tamarix aphylla</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Bear-skin fescue <i>Festuca gautieri</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Black knapweed <i>Centaurea X moncktonii</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>

Black willow <i>Salix nigra</i>	2	Regionally Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Blackberry <i>Rubus fruticosus</i> species aggregate	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Blue heliotrope <i>Heliotropium amplexicaule</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread
Boneseed <i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	1	State Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Bridal creeper <i>Asparagus asparagoides</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Bridal veil creeper <i>Asparagus declinatus</i>	1	State Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Broomrapes <i>Orobanchae</i> species	1	State Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Burr ragweed <i>Ambrosia confertiflora</i>	5	Restricted Plant The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with
Cabomba <i>Cabomba caroliniana</i>	5	Restricted Plant The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with
Cape broom <i>Genista monspessulana</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Cat's claw creeper <i>Dolichandra unguis-cati</i>	2	Regionally Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Cayenne snakeweed <i>Stachytarpheta cayennensis</i>	5	Restricted Plant The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with
Chilean needle grass <i>Nassella neesiana</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Chinese violet <i>Asystasia gangetica</i> subsp. <i>micrantha</i>	1	State Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Clockweed <i>Oenothera curtiflora</i>	5	Restricted Plant The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with
Columbus grass <i>Sorghum x alium</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread

<u>Coolatai grass</u> <i>Hyparrhenia hirta</i>	3	Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
<u>Corn sowthistle</u> <i>Sonchus arvensis</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Dodder</u> <i>Cuscuta</i> species	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Espartillo - broad kernel</u> <i>Amelichloa caudata</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Espartillo - narrow kernel</u> <i>Amelichloa brachychaeta</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Eurasian water milfoil</u> <i>Myriophyllum spicatum</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>European hackberry</u> <i>Celtis australis</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
<u>Fine-bristled burr grass</u> <i>Cenchrus brownii</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Fireweed</u> <i>Senecio madagascariensis</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
<u>Flax-leaf broom</u> <i>Genista linifolia</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
<u>Fountain grass</u> <i>Cenchrus setaceus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Frogbit</u> <i>Limnobium laevigatum</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Gallon's curse</u> <i>Cenchrus biflorus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Gamba grass</u> <i>Andropogon gayanus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Giant reed</u> <i>Arundo donax</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
<u>Glaucous starthistle</u> <i>Carthamus leucocaulos</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Golden thistle</u> <i>Scolymus hispanicus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>

Green cestrum <i>Cestrum parqui</i>	3	Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed</i>
Grey sallow <i>Salix cinerea</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Harrisia cactus <i>Harrisia species</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Hawkweeds <i>Hieracium species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Honey locust <i>Gleditsia triacanthos</i>	3	Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
Horsetails <i>Equisetum species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Hydrocotyl <i>Hydrocotyle ranunculoides</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Hymenachne <i>Hymenachne amplexicaulis</i> and hybrids	1	State Prohibited weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Johnson grass <i>Sorghum halepense</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Karoo thorn <i>Vachellia karroo</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Kidney-leaf mud plantain <i>Heteranthera reniformis</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Kochia <i>Bassia scoparia</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Koster's curse <i>Clidemia hirta</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Lagarosiphon <i>Lagarosiphon major</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Leafy elodea <i>Egeria densa</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Lippia <i>Phyla canescens</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed except incidentally in hay or lucerne</i>

Long-leaf willow primrose <i>Ludwigia longifolia</i>	3	Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
Mesquite <i>Prosopis</i> species	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mexican feather grass <i>Nassella tenuissima</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mexican poppy <i>Argemone mexicana</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Miconia <i>Miconia</i> species	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mikania vine <i>Mikania micrantha</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mimosa <i>Mimosa pigra</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Mossman River grass <i>Cenchrus echinatus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Mother-of-millions <i>Bryophyllum</i> species	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Pampas grass <i>Cortaderia</i> species	3	Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
Parkinsonia <i>Parkinsonia aculeata</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Parthenium weed <i>Parthenium hysterophorus</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Pond apple <i>Annona glabra</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Prickly acacia <i>Vachellia nilotica</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Prickly pear - common pear <i>Opuntia stricta</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Prickly pear - Hudson pear <i>Cylindropuntia rosea</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>

Prickly pear - smooth tree pear <i>Opuntia monacantha</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Prickly pear - tiger pear <i>Opuntia aurantiaca</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Prickly pear - velvety tree pear <i>Opuntia tomentosa</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Red rice <i>Oryza rufipogon</i>	5	Restricted Plant The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with
Rhus tree <i>Toxicodendron succedaneum</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Rubber vine <i>Cryptostegia grandiflora</i>	1	State Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Sagittaria <i>Sagittaria platyphylla</i>	4	Locally Controlled Weed The plant must not be sold, propagated or knowingly distributed
Salvinia <i>Salvinia molesta</i>	2	Regionally Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Scotch broom <i>Cytisus scoparius</i> subsp. <i>scoparius</i>	4	Locally Controlled Weed The plant must not be sold, propagated or knowingly distributed
Senegal tea plant <i>Gymnocoronis spilanthoides</i>	1	State Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Serrated tussock <i>Nassella trichotoma</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Siam weed <i>Chromolaena odorata</i>	1	State Prohibited Weed The plant must be eradicated from the land and that land must be kept free of the plant
Silk forage sorghum <i>Sorghum</i> species hybrid cultivar "Silk"	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread
Silverleaf nightshade <i>Solanum elaeagnifolium</i>	4	Locally Controlled Weed The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed
Smooth-stemmed turnip <i>Brassica barrelieri</i> subsp. <i>oxyrrhina</i>	5	Restricted Plant The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with

<u>Soldier thistle</u> <i>Picnomon acarna</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Spongeplant</u> <i>Limnobiium spongia</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Spotted knapweed</u> <i>Centaurea stoebe subsp. micranthos</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Texas blueweed</u> <i>Helianthus ciliaris</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<u>Tree-of-heaven</u> <i>Ailanthus altissima</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<u>Tropical soda apple</u> <i>Solanum viarum</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Water caltrop</u> <i>Trapa species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Water hyacinth</u> <i>Eichhornia crassipes</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Water lettuce</u> <i>Pistia stratiotes</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Water soldier</u> <i>Stratiotes aloides</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Willows</u> <i>Salix species</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
<u>Witchweeds</u> <i>Striga species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Yellow burrhead</u> <i>Limnocharis flava</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<u>Yellow nutgrass</u> <i>Cyperus esculentus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>

BUSHFIRE PROTECTION ASSESSMENT

FOR THE PROPOSED

CHANGE OF USE

ON

LOT 3 in DP 554158

No. 20 CHAPMANS ROAD,

DUBBO



Australian Bushfire Protection Planners Pty Limited

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BUSHFIRE PROTECTION ASSESSMENT

FOR THE PROPOSED

CHANGE OF USE

ON

LOT 3 in DP 554158

No. 20 CHAPMANS ROAD,

DUBBO

Assessment Number	Document	Preparation Date	Issue Date	Directors Approval
B152558 - 1	Final	18.8.2015	25.8.2015	G.L. Swain

EXECUTIVE SUMMARY

Australian Bushfire Protection Planners Pty Limited, at the request of the *Geolyse*, on behalf of *Stanaway Pty Ltd*, has undertaken the bushfire consultancy to provide advice on the bushfire protection measures required for the proposed change of use of the existing buildings on Lot 3 in DP 554158, No. 20 Chapmans Road, Dubbo.

The existing complex was owned by the Aboriginal Hostels Ltd, approved under Development Application D89/250 and constructed by the Commonwealth to provide hostel accommodation for Aboriginal Peoples and included community areas, kitchen and self contained accommodation units. Externally the complex included carparking and sporting facilities.

Stanaway Pty Ltd plans to utilise the existing buildings on the site for the purpose of a Hotel/Motel, offering short term tourist accommodation.

The existing complex is connected to the Dubbo reticulated water supply network.

The Dubbo Bushfire Prone Land Map records Category 1 Bushfire Prone Vegetation within the undeveloped portion of the property with the buffer zone to this vegetation extending across the existing buildings in the complex.

The Bushfire Prone Land Map triggers the requirements of Section 91 [Integrated Development] of the *Environmental Planning & Assessment Act 1979* as the proposed change of use [development] is deemed to be a 'Special Fire Protection Purpose' development as defined by Section 100B of the *Rural Fires Act 1997*.

Section 100B of the *Rural Fires Act 1997* also requires that a person must obtain a Bushfire Safety Authority from the Commissioner of the NSW Rural Fire Service for such development. Section 44 of the *Rural Fires Regulation 2013* defines those matters which are required to be addressed for the issue of a Bushfire Safety Authority.

This report undertakes an assessment of the requirements of Section 44 of the *Rural Fires Regulation 2013* and examines those requirements in the light of achieving a better bushfire protection outcome that may presently exist.



Graham Swain,
Managing Director,
Australian Bushfire Protection Planners Pty Limited.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
TABLE OF CONTENTS.....	4
SECTION 1	6
INTRODUCTION	6
1.1 Aim of this Assessment.....	6
1.2 Development Proposal.....	6
1.3 Statutory Requirements	10
1.3.1 Legislation.....	10
1.3.2 Planning Policies.....	11
1.4 Documentation reviewed in this Assessment	11
1.5 Site Inspection	12
SECTION 2	13
SITE DESCRIPTION	13
2.1 Location and Description	13
2.2 Existing Land Use	13
2.3 Land Use within 100 metres of the existing buildings.....	13
2.4 Topography.....	15
2.5 Vegetation.....	16
2.5.1 Vegetation within the Development Precinct	17
2.5.2 Vegetation within 140 metres of the Development Precinct	17
2.6 Significant Environmental Features within the Development Site	17
2.7 Known Threatened Species, population or ecological community within the Development Site.....	17
2.8 Details and location of Aboriginal relics or Aboriginal place	17
SECTION 3	18
BUSHFIRE MANAGEMENT RESPONSIBILITIES.....	18
3.1 Dubbo Shire Council.....	18
3.2 New South Wales Rural Fire Service	18
3.3 Fire & Rescue New South Wales	18
3.4 Dubbo Shire Bushfire Management Committee	18
3.5 Public Authorities & owners/occupiers of land.....	19
3.6 Bushfire Hazard Management within the development site	20
SECTION 4	21
BUSHFIRE PRONE LAND MAP.....	21
4.1 Introduction	21
SECTION 5	22
BUSHFIRE PROTECTION ASSESSMENT	22
5.1 Introduction	22
5.2 Examination of Asset Protection Zones to the existing Buildings.....	22
5.3 Construction Standards to the existing buildings.....	25
5.4 Access for Fire Fighting Operations	25
5.4.1 Adequacy of Public Roads.....	25
5.4.2 Adequacy of Private Road	25
5.4.3 Emergency Response Access / Egress.....	26
5.4.3 Fire Trail Access	26
5.5 Water Supplies for Fire Fighting Operations.....	26
5.6 Fuel Management	27
5.6.1 Development Precinct	27
5.6.1 Management of residual land	27
5.7 Emergency Management for Fire Protection / Evacuation.....	27

SECTION 6	28
RECOMMENDATIONS.....	28
6.1 Recommendation 1 – Asset Protection Zones to the existing building/s:.....	28
6.2 Recommendation 2 – Fuel Managed Zone to Entry Driveway and	28
Emergency access link:	28
6.3 Recommendation 3 – Fire Management Plan:	28
6.4 Recommendation 4 – Building Construction.....	28
6.5 Recommendation 5 – Sign Board.....	29
6.6 Recommendation 6 – Fire-fighting water supply provisions	29
6.7 Recommendation 7 – Emergency Access Link	29
6.8 Recommendation 8 – Upgrade of internal access.....	29
6.9 Recommendation 9 – Emergency Management Plan	30
SECTION 7	31
CONCLUSION	31
REFERENCES:	33

SECTION 1

INTRODUCTION

1.1 Aim of this Assessment.

The aim of this Bushfire Protection Assessment is to address the provisions of Section 44 of the *Rural Fires Regulation 2013* and review the development to determine those measures required to achieve a better bushfire protection outcome for the proposed change of use [operation of a Hotel/Motel facility].

1.2 Development Proposal.

The Development Application seeks Dubbo Council's consent to permit the change of use on the site from the existing landuse [Aboriginal Hostel] to a Hotel/Motel facility offering short term accommodation.

The proposed facility will accommodate forty [40] guests and include onsite accommodation for two [2] permanent staff with an additional two [2] part time staff.

Figure 1 – Aerial Photograph showing the development site and existing complex.



Figure 2 – Plan of proposed Units.

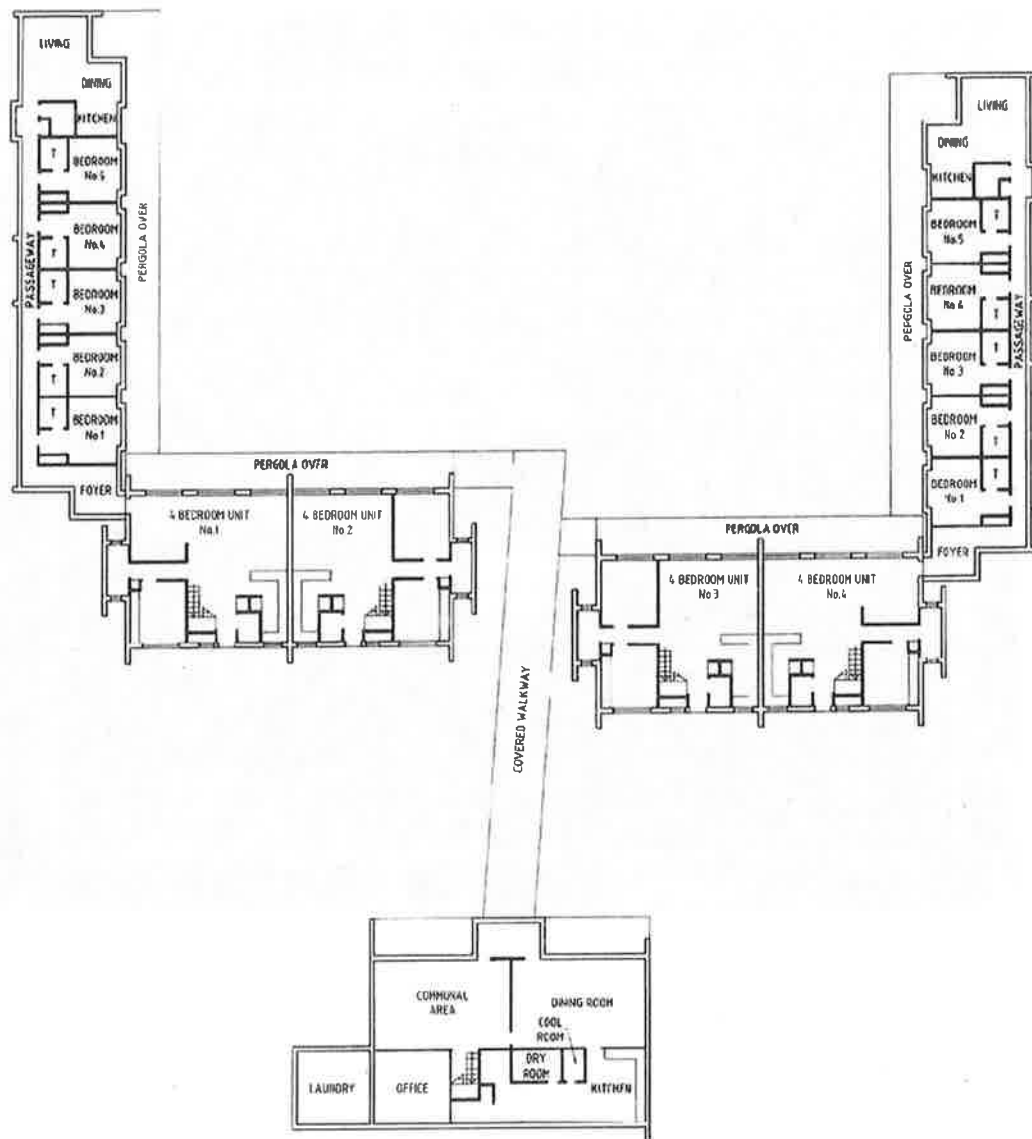


Figure 3 – Site Plan showing existing complex, Carparking and Bushfire Evacuation Route to Blackbutt Road.



Figure 4 – Carpark Layout Plan.



1.3 Statutory Requirements.

This report has been prepared having regard to the following legislative and planning requirements:

1.3.1 Legislation.

(a) Environmental Planning and Assessment Act (EPA Act)

Planning and development within NSW is regulated by the *Environmental Planning & Assessment Act, 1979* (EPA Act). In relation to bushfire planning for new residential, rural residential and special fire protection developments (including accommodation buildings) in bushfire prone areas in NSW, the following sections of the Act apply:

(i) Section 79C(1) states:

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- *The likely impacts of the development (e.g. natural hazards such as bushfire threat);*
- *The suitability of a site for development (e.g. bushfires)*

(ii) Section 91(1) defines the subdivision of Bushfire Prone Land for residential and rural residential subdivision and the construction of special protection purpose developments that are located in a Bushfire Prone Area as integrated development, which requires authorization under Section 100B of the *Rural Fires Act 1997*.

(b) Rural Fires Act 1997

The objectives of the *Rural Fires Act* are to provide:

- The prevention, mitigation and suppression of fires;
- Coordination of bushfire fighting and prevention
- Protection of people and property from fires; and
- Protection of the environment.

In relation to bushfire planning for new residential, rural residential and special fire protection purpose developments in bushfire prone areas in NSW, Section 100B of the Act applies. Section 100B provides for the issue, by the Commissioner of the NSW Rural Fire Service, of a Bushfire Safety Authority for development which creates the subdivision of bushfire prone land for residential and rural residential development and construction of special fire protection purpose developments located within a Bushfire Prone Area.

An application for a Bushfire Safety Authority must be lodged as part of the development application process and must demonstrate compliance with *Planning for Bushfire Protection 2006* and other matters which are considered necessary, by the Commissioner, to protect persons, property and the environment from the impact of bushfire.

In relation to the management of bushfire fuels on public and private lands within NSW, Sections 63(1) and 63(2) require public authorities and owners / occupiers of land to take all practicable steps to prevent the occurrence of bushfires on, and to minimize the danger of, the spread of bushfires.

(c) *Rural Fires Regulation 2013.*

Section 44 of the *Rural Fires Regulation 2013* relates to planning for new residential, rural residential and special fire protection purpose developments in bushfire prone areas in NSW and provides details of the matters that are required to be addressed for the issue of a *Bushfire Safety Authority* under Section 100B of the *Rural Fires Act*.

(d) *Threatened Species Conservation Act 1995 (TSC Act).*

The TSC Act aims to protect and encourage the recovery of threatened species, populations and communities as listed under the Act.

The TSC Act is integrated with the EP&A Act and requires consideration of whether a development or an activity (such as the implementation of hazard reduction and asset protection) is likely to significantly affect threatened species, populations and ecological communities or their habitat.

1.3.2 Planning Policies.

(a) *Planning for Bushfire Protection – 2006 (Rural Fire Service).*

This document provides guidance on the planning and development control processes in relation to bushfire protection measures for residential subdivision and 'Special Fire Protection Purpose Developments' in bushfire prone areas.

In addition to the provisions of the *Planning for Bushfire Protection 2006* document, the Commissioner may determine, under Section 100B of the *Rural Fires Act*, additional measures that are considered necessary to protect the development against the impact of bushfire.

1.4 Documentation reviewed in this Assessment.

To achieve the aim of this report, a review of information relevant to the property and proposed development was undertaken. Information sources reviewed included the following documents:

- Aerial Photograph of the Development Site;
- Site Plan of proposed development prepared by Geolyse, Project No. 115143; Drawing No. 01B_TPO1 Rev. B, dated 21.8.2015;
- Carpark Plan Layout prepared by Geolyse, Project No. 115143; Drawing No. 01B_TPO2 Rev. B, dated 21.8.2015;
- Plan of proposed units prepared by Geolyse, Project No. 115143; Drawing No. 01B_TPO3 Rev. B, dated 21.8.2015;
- Dubbo Council Bushfire Prone Land Map;
- *Planning for Bushfire Protection 2006* prepared by the NSW Rural Fire Service;
- Australian Standard AS3959 – 2009 – ‘Construction of Buildings in Bushfire Prone Areas’; and
- *Rural Fires Regulation 2013*.

1.5 Site Inspection.

Graham Swain of *Australian Bushfire Protection Planners Pty Limited* inspected the site and surrounding areas on the 10th August 2015.

The inspection examined the location and construction standards of the existing buildings, surrounding landuse and land management and vegetation types within 140 metres of the existing complex.

Landform and topography were also examined to a distance of more than 100 metres from the existing buildings.

SECTION 2

SITE DESCRIPTION

2.1 Location and Description.

The site on which the proposed change of use is proposed occupies land within Lot 3 in DP 554158 Chapmans Road, Dubbo.

Figure 5 – Location of Lot 3 in DP 554158 Chapmans Road, Dubbo.



2.2 Existing Land Use.

The development site is located to the northeast of the intersection of Chapmans Road and Blackbutt Road and contains the former Aboriginal Hostels Ltd complex.

The complex consists of a series of buildings linked with covered walkways; carparking and sporting facilities including Swimming Pool, Cricket Practice Nets and Sporting Field.

2.3 Land Use within 100 metres of the existing buildings.

(a) North

The landuse to the north of the existing buildings consists of vacant land that extends to the north property boundary. Beyond the development site the land contains rural residential development which is zoned R2 Low Density Residential – refer to Figure 6 - Dubbo LEP Map on Page 14.

(b) East

The landuse to the east of the existing buildings consists of vacant land that extends to the eastern property boundary. Beyond the development site the land contains rural residential development which is zoned R2 Low Density Residential – refer to Figure 6 - Dubbo LEP Map below.

(c) South

The landuse to the south of the existing buildings consists of vacant land that extends to the southern property boundary. Beyond the development site the land is zoned R5 Large Lot Residential – refer to Figure 6 - Dubbo LEP Map below.

(d) West

The landuse to the west of the existing buildings consists of vacant land that extends to the western property boundary. Beyond the development site the land is zoned R5 Large Lot Residential – refer to Figure 6 - Dubbo LEP Map below.

Figure 6 – Extract from the Dubbo LEP showing the landuse zoning within and external to the development site.

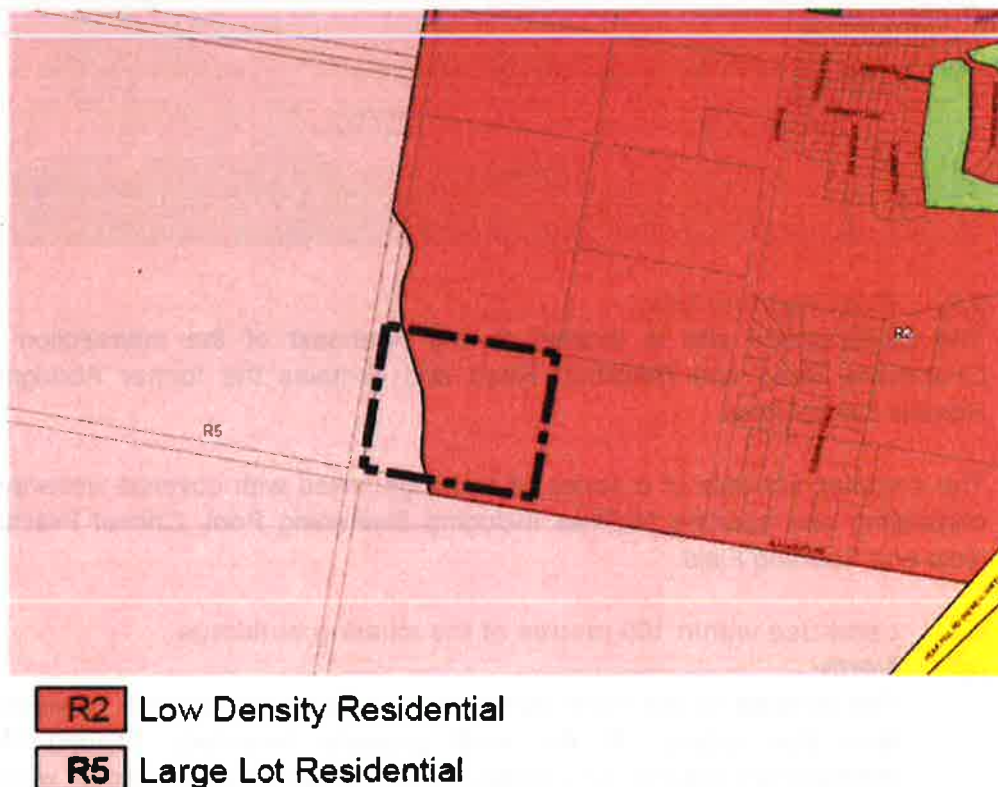


Figure 7 – Aerial Photograph of the Development Site and adjoining landuses.



2.4 Topography.

Appendix 2 of *Planning for Bushfire Protection 2006* states that slopes should be assessed, over a distance of at least 100m from a development site and that the gradient of the land should be determined which will most significantly influence the fire behaviour to the site.

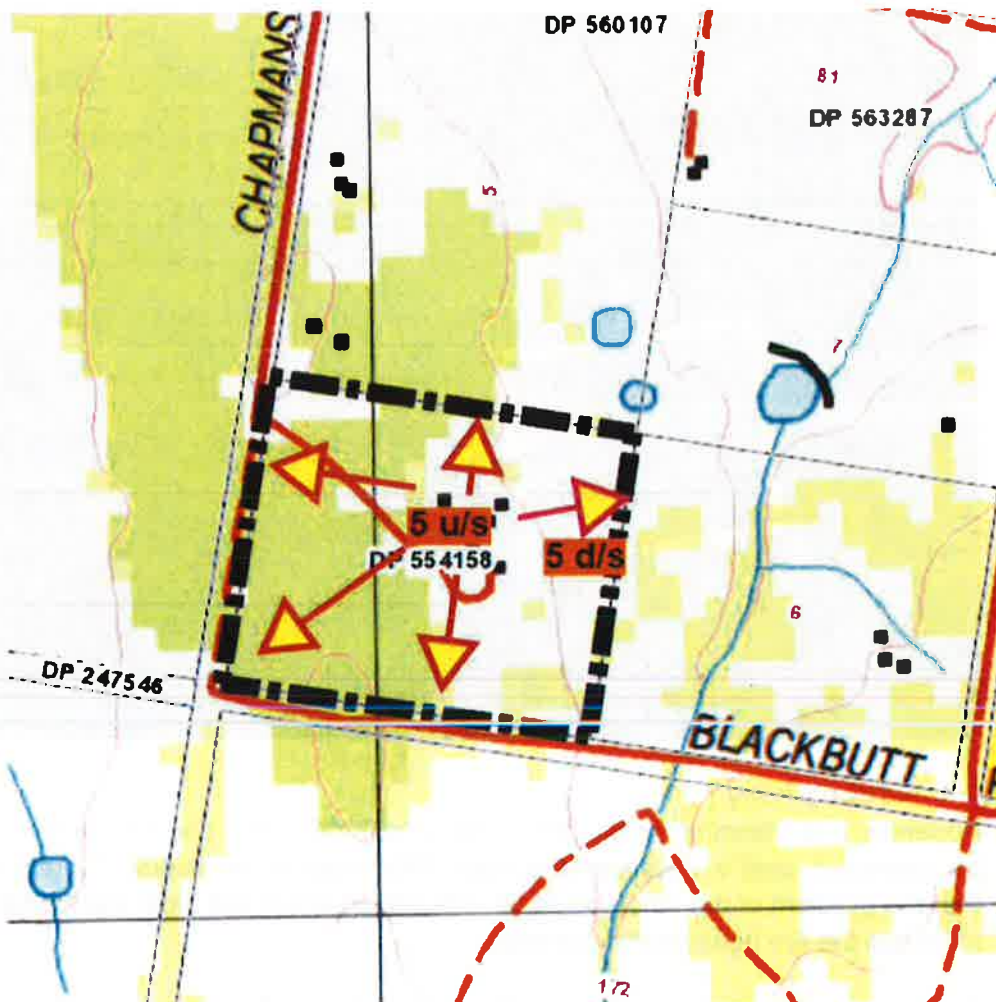
The topography of the land within 100 metres of the existing complex rises to the west, southwest and south at less than 5 degrees.

To the north the land within 100 metres of the existing complex falls initially a short distance to an overland flow path then rises at less than 5 degrees. The downslope gradient will be located within the proposed Asset Protection Zone therefore the effective slope to the north is upslope less than 5 degrees.

To the east of the existing complex to land falls to the east at less than 5 degrees.

Refer to Figure 8 – Topographic Map on Page 16.

Figure 8 – Topographic Map of the land within and external to the development site.



2.5 Vegetation.

Appendix A2.3 of *Planning for Bushfire Protection 2006* provides a methodology for determining the predominant bushfire prone vegetation for at least 140 metres in all directions from the future development on the site.

Vegetation is classified using Table A2.1 of *Planning for Bushfire Protection 2006*, which classifies vegetation types into the following groups:

- (a) Forests [wet & dry sclerophyll forests];
- (b) Woodlands;
- (c) Plantations – being pine plantations not native plantations;
- (d) Forested Wetlands;
- (e) Tall Heaths;
- (f) Freshwater Heaths;

- (g) *Short Heaths;*
- (h) *Alpine Complex;*
- (i) *Semi – arid Woodlands;*
- (j) *Arid Woodlands; and*
- (k) *Rainforests.*

2.5.1 Vegetation within the Development Precinct.

The existing development precinct contains landscaped gardens and mown lawns.

2.5.2 Vegetation within 140 metres of the Development Precinct.

The remainder of the development site contains Mugga Ironbark Forest and disturbed Inland Grey Box Woodland.

2.6 Significant Environmental Features within the Development Site.

The land within the existing development precinct does not contain significant environmental features such as SEPP 14 Wetlands, SEPP 44 Koala Habitat, SEPP 26 Littoral Rainforests; land slip areas or National Parks Estate; areas of geological interest or steep lands [>18 degrees] or riparian corridors.

2.7 Known Threatened Species, population or ecological community within the Development Site.

An Ecological Assessment has been undertaken by Ozark Environmental and Heritage Pty Ltd. This assessment has recorded the dominant vegetation on the development site to be Mugga Ironbark Forest community with scattered individual Grey Ironbark trees. The assessment also recorded a number of threatened species likely to populate the site and adjoining land, including the National and State Critically endangered Regent Honey-eater – refer to the Ozark written advice.

2.8 Details and location of Aboriginal relics or Aboriginal place.

There are no known sites of Aboriginal heritage significance within the development precinct, which includes the managed lands which form the existing and proposed Asset Protection Zones to the existing buildings.

SECTION 3

BUSHFIRE MANAGEMENT RESPONSIBILITIES

Bushfire management within the Dubbo Local Government Area [LGA] is the responsibility of:

3.1 Dubbo Shire Council.

Dubbo Council, being a local authority, has responsibility, under Section 100E (1) of the *Rural Fires Act 1997 [as amended]*, to issue a notice in writing requiring an owner / occupier of private land within the LGA to carry out bushfire hazard reduction on that land.

3.2 New South Wales Rural Fire Service.

The NSW Rural Fire Service (RFS) has the responsibility for undertaking fire suppression activities, hazard management activities and other functions relative to emergency management, within its areas of operation. *Section 73 of the Rural Fires Act (1997)* enables the Commissioner to carry out bush fire hazard reduction works on any land as required by a bush fire risk management plan if the work has not been carried out satisfactorily. Incurred costs can be recovered as a debt owed to the Crown. *[Note: The Estate is not located within a NSW Rural Fire Service Fire District].*

3.3 Fire & Rescue New South Wales.

The Fire & Rescue NSW has the responsibility for undertaking fire suppression activities, hazard management activities and other functions relative to emergency management and bushfire prevention, within the Fire & Rescue NSW Fire District. Hazmat management within New South Wales is the responsibility of the Fire & Rescue NSW.

3.4 Dubbo Shire Bushfire Management Committee.

The Dubbo Shire Bushfire Management Committee has the responsibility for planning for coordinated fire fighting activities / hazard management activities on a local government level. It is not an operational organization, a fire fighting organization or a funding source for fire management activities.

The Bush Fire Management Committee is supported by the following provisions of the Rural Fires Act 1997:

- **Section 52** requires each Bush Fire Management Committee to prepare a draft bush fire management plan for their local areas which includes a plan of operations and a bush fire risk management plan.
- **Section 54** of the Act specifies that a draft bush fire risk management plan is to 'set out schemes for the reduction of bush fire hazards in the rural fire district or other part of the State'.

A draft bush fire risk management plan may also restrict or prohibit the use of fire or other fire hazard reduction activities in all or specified circumstances or places to which the plan applies.

3.5 Public Authorities & owners/occupiers of land.

The Rural Fires Act, 1997 provides several legislative opportunities to require Public Authorities, land owners and occupiers to manage hazardous fuels. These are listed below:

63 Duties of public authorities and owners and occupiers of land to prevent bush fires

- (2) It is the duty of the owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land.
- (3) A public authority or owner or occupier is liable for the costs incurred by it in performing the duty imposed by this section.
- (4) The Bush Fire Co-ordinating Committee may advise a person on whom a duty is imposed by this section of any steps (whether or not included in a bush fire risk management plan) that are necessary for the proper performance of the duty.

In this section ***notified steps*** means:

- (a) any steps that the Bush Fire Co-ordinating Committee advises a person to take under subsection (4), or
- (b) any steps that are included in a bush fire risk management plan applying to the land.

66 Bush Fire Hazard Reduction Notice

- (1) A hazard management officer may, by notice in writing, require the owner or occupier [not being a public authority] of any land to carry out bushfire hazard reduction work specified in the notice on the land.
- (2) A hazard management officer must serve a notice under this section if required to do so by a bushfire risk management plan applicable to the land that is in force.
- (3) A hazard management officer must issue a bushfire hazard reduction certificate in respect of any bushfire hazard reduction work required by a notice issued in accordance within section (2) unless the work required by the notice:

- Is otherwise authorised to be carried out, or
 - Is not required to be authorised to be carried out under this or any other Act.
- (6) The requirements and conditions so specified must include any requirements in a bushfire risk management plan that is applicable to the land and is in force and may include a requirement or condition that the burning of fire breaks or of combustible material:
- (a) must in fire district constituted under the Fire Brigades Act 1989 be carried out by or under the supervision of the fire brigade or an officer in charge of the fire brigade;
 - (b) must outside a fire district, be carried out by or under the supervision of the rural fire brigade specified in the notice or an appropriate officer of the rural fire brigade or any hazard management officer.
- (7) *A notice requiring the establishment of a firebreak cannot require an occupier or owner to kill or remove any trees that are reasonably necessary for shade, shelter, windbreak or fodder purposes or the protection of threatened species, populations, ecological communities or critical habitats within the meaning of the 'Threatened Species Conservation Act 1995.*
- (8) An occupier or owner to whom a bushfire hazard reduction notice is given must, despite the fact that a fire permit has not been granted under Division 5, comply with the requirements specified in the notice.

Section 70(2) states that *'if within the time specified in the relevant notice the owner or occupier to whom it is given fails to comply with any requirement of the notice, the Commissioner may, without prejudice to liability of the owner or occupier, enter on the land and carry out the bushfire hazard reduction work the owner or occupier was required to do under the notice'.*

Section 70(3) states that *'any costs incurred by the Commissioner in carrying out such work may be recovered from the owner or occupier of the land as a debt due to the Crown in a court of competent jurisdiction'.*

3.6 Bushfire Hazard Management within the development site.

The management of the landscaped gardens and the curtilage to the development precinct [including the Asset Protection Zones] will remain the responsibility of the owners/operators of the proposed Tourist complex.

SECTION 4

BUSHFIRE PRONE LAND MAP

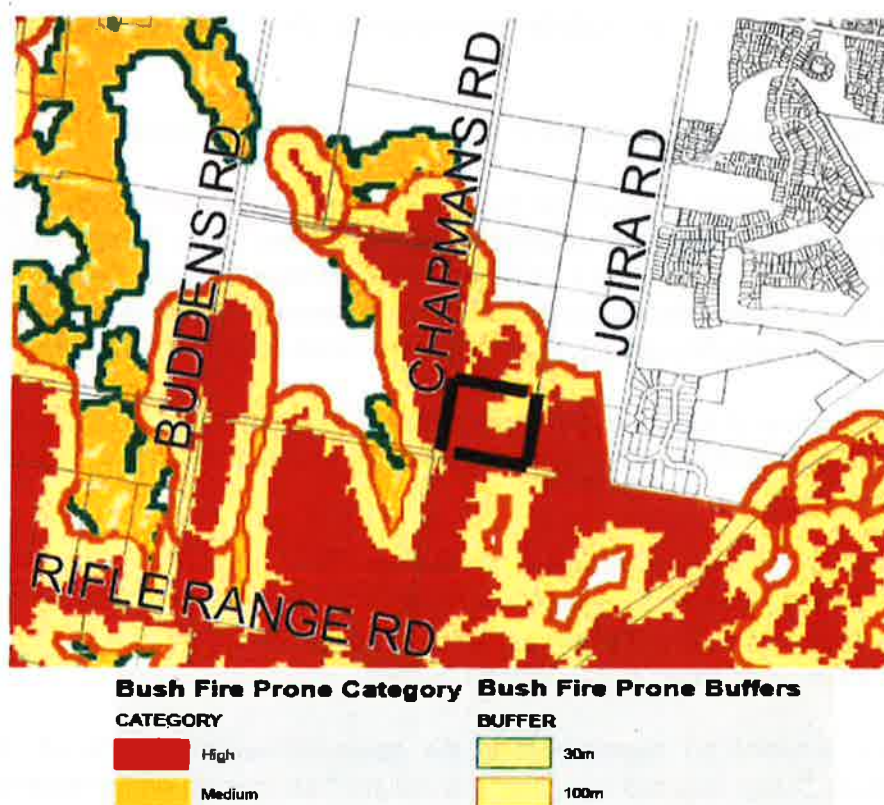
4.1 Introduction.

The Dubbo Council Bushfire Prone Land Map identifies the areas which have been determined by Council and the NSW Rural Fire Service to contain Bushfire Prone Vegetation.

The map also records the extent to which the 100 metre wide buffer zone to the Bushfire Prone Vegetation extends beyond the line of the vegetation which is deemed to be bushfire prone and also triggers the necessity for the proposed change of use on a site to comply with the deemed-to-satisfy provisions of *Planning for Bushfire Protection 2006*.

The certified map records that the existing development precinct is not impacted by bushfire prone vegetation however the 100 metre wide buffer zone to the Category 1 Bushfire Prone Vegetation extends across the development precinct – refer to Figure 9 – Extract from the Dubbo Bushfire Prone Land Map – below. The site inspection confirmed the accuracy of the map.

Figure 9 – Extract from the Dubbo Bushfire Prone Land Map.



SECTION 5

BUSHFIRE PROTECTION ASSESSMENT

5.1 Introduction.

Section 44 of the *Rural Fires Regulation 2013* requires that an application for a *Bushfire Safety Authority* must include a bushfire assessment for the proposed development (including the methodology used in the assessment) that addresses the extent to which the development provides:

- *Asset protection zones;*
- *The siting and adequacy of water supplies for fire fighting operations;*
- *Capacity of public roads to handle increased volumes of traffic during a bushfire emergency;*
- *Whether or not public roads link with the fire trail network and have two way access;*
- *The adequacy of access and egress for the purposes of emergency response;*
- *The adequacy of bushfire maintenance plans and fire emergency procedures;*
- *The construction standards to be used for building elements.*

5.2 Examination of Asset Protection Zones to the existing Buildings.

A short term tourist accommodation facility is defined under Section 100B of the *Rural Fires Act 1997* as a 'Special Fire Protection Purpose' development which requires the implementation of Asset Protection Zones that achieve a radiant heat load of no greater than 10kW/m² on the exterior of buildings.

An examination of the available width of Asset Protection Zone to the existing buildings has identified the separation distance to the unmanaged vegetation is as follows:

- North: 25 metres; Northeast: 73 metres
- East: 98 metres; Southeast: 44 metres
- South: 54 metres; Southwest: 47 metres
- West: 25 metres; Northwest: 30 metres

Table 1 provides an assessment of the deemed-to-satisfy widths of Asset Protection Zones required to reduce the radiant heat loading on the exterior of the building/s.

Table 1. Examination of Asset Protection Zone requirements to the existing building.

Aspect	Vegetation within 140m of development	Predominant Vegetation Formation [Table A2.1 of Pf BFP 2006]	Effective Slope of Land	Width of Asset Protection Zone [Table A2.6 of Pf BFP 2006]	Width of Asset Protection Zone required	Width of Asset Protection Zone available
Northwest; North	Mugga Ironbark Forest	Forest	< 5 degrees upslope to the Northwest & North	60 metres	60 metres [40m IPA + 20m OPA]	N.W: 30 metres; North: 25 metres
Northeast; East & Southeast	Mugga Ironbark Forest	Forest	< 5 degrees downslope to the Northeast, East & Southeast	70 metres	70 metres [50m IPA + 20m OPA]	N.E: 73 metres; East: 98 metres; S.E: 44 metres
South, Southwest & West	Mugga Ironbark Forest	Forest	< 5 degrees upslope to the Southwest & West	60 metres	60 metres [40m IPA + 20m OPA]	South: 54 metres; S.W: 47 metres; West: 25 metres

Table 1 has identified that the width of the Asset Protection Zone to the northwest and north shall be increased from 25/30 metres to a minimum of 60 metres – made up of an inner Protection Area [IPA] of 40 metres and an Outer Protection Area [OPA] of 20 metres.

Table 1 has also identified that the width of the existing Asset Protection Zone to the northeast and east comply with the requirements of Table A2.6 of *Planning for Bushfire Protection 2006* whilst to the southeast it shall be increased from 44 metres to a minimum of 70 metres – made up of an inner Protection Area [IPA] of 50 metres and an Outer Protection Area [OPA] of 20 metres.

The southern and south-western aspects have an existing separation of 54 metre and 47 metres. These widths shall be increased to a minimum of 60 metres – made up of an inner Protection Area [IPA] of 40 metres and an Outer Protection Area [OPA] of 20 metres. The western aspect has an existing separation of 25 metres which shall be a minimum of 60 metres – made up of an inner Protection Area [IPA] of 40 metres and an Outer Protection Area [OPA] of 20 metres.

Refer to Figure 10 – Plan of Fire Protection Zones on Page 24.

Figure 10 – Plan of Fire Protection Zones



Figure 10 also identifies the provision of a fuel managed corridor to each side of the main access driveway from Chapmans Road and a similar managed corridor to the proposed emergency access to Blackbutt Road, to the south.

The residue vegetation not managed as part of the Asset Protection Zones or fuel managed corridors shall be maintained as a Strategic Fire Advantage Zone [SFAZ] in accordance with the prescriptions of a Fire Management Plan prepared for the site.

5.3 Construction Standards to the existing buildings.

The existing buildings were inspected as part of the site inspection and found to be constructed having concrete masonry external walls and corrugated steel roof cladding and aluminium glazed windows.

The buildings generally are in good repair however corrosion resistant ember mesh shall be provided to all operable windows; external vents; weep holes with weather strips fitted to the bottom edge of all external hinged doors.

Doors not found to be 35mm Solid Core [1 hour rated] shall be fitted with a corrosion resistant metal kit plate having a minimum height of 400mm.

All holes in the exterior fabric of the buildings greater than 3mm shall filled/plugged with a non-combustible material.

A non-combustible gutter guard shall be fitted to all roof gutters. Polycarbonate roof sheeting shall be replaced with either metal sheeting or 5mm wired glass.

5.4 Access for Fire Fighting Operations.

5.4.1 Adequacy of Public Roads.

Public and emergency service access to the existing complex is provided off Chapmans Road which extends to the south from Minore Road. Chapmans Road is a local sealed road which is maintained by Dubbo Council to standards which provide two-way access for the public and attending fire service appliances and satisfies the deemed-to-comply provisions of Section 4.1.3(1) 'Public Road Access' of *Planning for Bushfire Protection 2006*.

5.4.2 Adequacy of Private Road.

The driveway to the complex provides a sealed all-weather two-way access from Chapmans Road, terminating at the Carpark with adequate turning areas for heavy vehicles, including fire appliances.

5.4.3 Emergency Response Access / Egress.

Access to the existing, approved facilities within the site was approved under the previous development consent.

The main access to the site is provided along Chapmans Road which passes through an area of unmanaged forest vegetation and therefore not considered safe to use during fire events that spread from the northwest, towards the development site.

An alternate emergency access link is required to the south, connecting to Blackbutt Road, thence to the east towards the Newell Highway. Dubbo Council has indicated support for the upgrade and maintenance of this section of Blackbutt Road.

Additional fire-fighting access will be constructed to provide a loop road that encircles the complex, completing the existing access road. This access and the emergency access link shall be constructed in compacted gravel to a width of 4.0 metres and capable of carrying a 15 tonne GVM Heavy Rigid Truck.

It is also recommended that a sign board be established at the main entry gate off Chapmans Road. This sign board shall provide a schematic layout of the complex, complete with building identification/numbers. The layout shall also show the location of the fire fighting water supplies [Hose Reels & Hydrants] and the emergency access link to Blackbutt Road.

There shall be erected a locked gate on the Blackbutt Road boundary, complete with a NSW Rural Fire Service padlock. The width of the gate shall be 3.6 metres.

5.4.3 Fire Trail Access.

There are no specific fire trails within the development site however it is recommended that a fire break/fire trail be constructed along the northern, eastern and southern boundaries of the site.

5.5 Water Supplies for Fire Fighting Operations.

The existing complex is connected to the Dubbo Water Supply.

Fire hose reels and Hydrants shall be installed to satisfy the requirements of A.S. 2419.1 – 2005 – including external fire hydrants strategically located to assist in bushfire-fighting operations.

5.6 Fuel Management.

5.6.1 Development Precinct.

The development precinct shall be managed to the prescriptions of an Inner Protection Area [IPA] and Outer Protection Area [OPA] to the locations and widths as shown on Figure 10 on Page 24.

The fuel managed corridor to the main entry driveway and emergency access link shall be maintained to the standards of an Outer Protection Area [OPA].

5.6.1 Management of residual land.

The residual land located beyond the Asset Protection Zones/Fuel Managed corridor shall be managed as a Strategic Fire Advantage Zone [SFAZ]. It is recommended that a Fire Management Plan be prepared for the management of the vegetation within the site.

The Fire Management Plan shall include the protocols for the maintenance of the Asset Protection Zones, Fuel Managed corridors and SFAZs and shall include the specifications for each zone, the management methods, timing, monitoring and annual certification of the works.

5.7 Emergency Management for Fire Protection / Evacuation.

An Emergency Management Plan [EMP] shall be prepared for the complex.

The EMP shall identify the triggers for relocation of the occupants within the complex – i.e. structure fires and the evacuation of occupants from the site – i.e. significant bushfire threat, including the possible closure during severe and catastrophic bushfire events in the local area.

A copy of the EMP shall be provided to the NSW rural Fire Service; Fire & Rescue NSW and Dubbo Police.

Staff should also be trained to 'Basic Fire-Fighter' level of the NSW Rural Fire Service training curriculum with annual certification provided by the District Office of the NSW Rural Fire Service.

SECTION 6

RECOMMENDATIONS

The recommendations to mitigate the potential bushfire risk to the complex are as follows:

6.1 Recommendation 1 – Asset Protection Zones to the existing building/s:

Asset Protection Zones shall be provided to the existing building/s to the widths as shown on Figure 10, Page 24.

The Asset Protection Zones shall consist of an Inner Protection Area [IPA] and Outer Protection Area [OPA] to the extent as shown on Figure 10 Page 24.

These zones shall be maintained in accordance with Section A2.2 of Appendix 2 and Appendix 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's 'Standards for Asset Protection Zones'.

6.2 Recommendation 2 – Fuel Managed Zone to Entry Driveway and Emergency access link:

There shall be provided and maintained a 20 metre wide fuel managed corridor to both sides of the entry driveway and the emergency access link to Blackbutt Road.

This corridor shall be managed to an Outer Protection Area [OPA] standard.

6.3 Recommendation 3 – Fire Management Plan:

A Fire Management Plan shall be prepared that establishes the protocols for the continued management of the vegetation within the site.

The Fire Management Plan shall include the protocols for the maintenance of the Inner Protection Area/Outer Protection Area; fuel managed corridors and the Strategic Fire Advantage Zones [SFAZs].

6.4 Recommendation 4 – Building Construction.

Corrosion resistant ember mesh shall be provided to all operable windows; external vents; weep holes with weather strips fitted to the bottom edge of all external hinged doors.

Doors not found to be 35mm Solid Core [1 hour rated] shall be fitted with a corrosion resistant metal kit plate having a minimum height of 400mm.

All holes in the exterior fabric of the buildings greater than 3mm shall filled/plugged with a non-combustible material.

A non-combustible gutter guard shall be fitted to all roof gutters. Polycarbonate roof sheeting shall be replaced with either metal sheeting or 5mm wired glass.

6.5 Recommendation 5 – Sign Board.

A sign board shall be established at the access point from Chapmans Road. This sign board shall provide a schematic layout of the complex, complete with building names/numbers and access routes. The layout shall also show Hydrant locations and the location of Fire Hose Reels.

6.6 Recommendation 6 – Fire-fighting water supply provisions.

Fire hose reels and Hydrants shall be installed to satisfy the requirements of A.S. 2419.1 – 2005 – including external fire hydrants strategically located to assist in bushfire-fighting operations.

6.7 Recommendation 7 – Emergency Access Link.

An alternate emergency access link shall be constructed to the south, connecting to Blackbutt Road. This access link shall be constructed in compacted gravel to a width of 4.0 metres and capable of carrying a 15 tonne GVM Heavy Rigid Truck.

There shall be erected a locked gate on the Blackbutt Road boundary, complete with a NSW Rural Fire Service padlock. The width of the gate shall be 3.6 metres.

6.8 Recommendation 8 – Upgrade of internal access.

Additional fire-fighting access shall be constructed to provide a loop road that encircles the complex, completing the existing access road. This access road shall be constructed in compacted gravel to a width of 4.0 metres and capable of carrying a 15 tonne GVM Heavy Rigid Truck.

A fire break/fire trail shall be constructed along the northern, eastern and southern boundaries of the site. The fire trail shall be constructed in compacted gravel to a width of 4.0 metres and capable of carrying a 15 tonne GVM Heavy Rigid Truck.

6.9 Recommendation 9 – Emergency Management Plan.

An Emergency Management Plan [EMP] shall be prepared for the complex.

The EMP shall identify the triggers for relocation of the occupants within the complex – i.e. structure fires and the evacuation of occupants from the site – i.e. significant bushfire threat, including the possible closure during severe and catastrophic bushfire events in the local area.

A copy of the EMP shall be provided to the NSW rural Fire Service; Fire & Rescue NSW and Dubbo Police.

Staff should also be trained to 'Basic Fire-Fighter' level of the NSW Rural Fire Service training curriculum with annual certification provided by the District Office of the NSW Rural Fire Service.

There shall be established regular [six monthly or as determined by Management] training of Staff in emergency management protocols including first aid fire-fighting operations utilising the hydrants and fire hose reels.

SECTION 7

CONCLUSION

The Development Application is for the change of use of the approved complex previously operated as an Aboriginal Hostel on Lot 3 in DP 554158, No. 20 Chapmans Road, Dubbo to a Hotel/Motel facility, offering short term tourist accommodation.

The complex will be permanently staffed and provide accommodation for up to forty [40] people.

As the Development Application for the change of use is being sought over land which is identified to be bushfire prone, the proposed new use is deemed to be a '*Special Fire Protection Purpose*' development under Section 100B of the *Rural Fires Act 1997*. The Commissioner of the NSW Rural Fire Service must therefore issue a '*Bushfire Safety Authority*' which authorises development to the extent that it complies with measures required to protect persons, property and the environment against the impact of a bushfire.

This report has examined the Asset Protection Zones to the buildings on site, the management of these zones; the adequacy of the existing fire-fighting water supply; the adequacy of the internal road network and its link with the public road network and the safety that this road system provides for emergency service personnel, staff, guests and visitors and concludes that, with the implementation of the recommendations made in this report, the proposed land use change provides a safer outcome than the existing facility provides.

The proposed change of use therefore satisfies the aim and objectives of *Planning for Bushfire Protection 2006* in relation to the proposed land use.

Table 2 summarises the extent to which the proposed development conforms to the deemed-to-satisfy specifications of *Planning for Bushfire Protection 2006* and the specific advice provided by the NSW Rural Fire Service.

Table 2. Compliance with the deemed-to-satisfy provisions of Planning for Bushfire Protection 2006.

Bushfire Protection Measure	Compliance with deemed-to-satisfy provisions of <i>Planning for Bushfire Protection 2006</i>.
Asset Protection Zone/defendable space setbacks	YES – The widths of Asset Protection Zones/Defendable Spaces recommended comply with Table A2.6 [Special Fire Protection Purpose Development] and Section 4.3.6(f) of <i>Planning for Bushfire Protection 2006</i> .
The siting and adequacy of water supplies for fire fighting	YES – A hydrant/fire hose reel supply is to be installed for fire-fighting operations.
Design of Public Roads	YES – The existing public & private roads and internal access roads provides adequate access for emergency service vehicles.
Design of Fire Trail network	Fire Trails recommended to the perimeter of the site. These trails will be maintained to standards required by Section 4.1.3(3) of <i>Planning for Bushfire Protection 2006</i> .
Adequacy of emergency response access and egress	YES – The internal road network, with the provision of managed corridors, provides safe access/egress for emergency service vehicles.
Adequacy of bushfire maintenance plans and fire emergency procedures	YES – A Fire Management Plan shall be prepared identifying the protocols for the management of the vegetation within the site. An Emergency Management Plan shall be prepared for the complex.
Building construction standards	YES – Recommendations have been provided on those measures required to improve standard of the existing buildings against the risk of ember attack.
Adequacy of sprinkler systems and other fire protection measures to be incorporated into the development	YES – No sprinkler system is required.



Graham Swain,
Managing Director,
Australian Bushfire Protection Planners Pty Limited.

REFERENCES:

- N.S.W Rural Fire Service – *Planning for Bushfire Protection 2006*;
- *Environmental Planning & Assessment Act – 1979*;
- *Rural Fires Act – 1997*;
- *Rural Fires Regulation 2013*;
- NSW Rural Fire Service – *Guideline for Bushfire Prone Land Mapping 2006*;
- *Threatened Species Conservation Act 1995*;
- *Native Vegetation Act*;
- *Bushfire Environmental Assessment Code 2006*;
- Building Code of Australia;
- Australian Standard A.S 3959-2009 “*Construction of Buildings in Bushfire Prone Areas*”;
- Dubbo Bushfire Prone Land Map.



AERIAL OF LOT 3 DP 554158.

ABORIGINAL HERITAGE DUE DILIGENCE ASSESSMENT

LOT 3 DP 554158, 20L CHAPMANS ROAD, DUBBO

DUBBO LOCAL GOVERNMENT AREA

DECEMBER 2015

REPORT PREPARED BY
OZARK ENVIRONMENTAL & HERITAGE MANAGEMENT PTY LTD
FOR GEOLYSE PTY LTD
ON BEHALF OF
STANAWAY PROPRIETARY LIMITED



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Acknowledgement

OzArk acknowledge Traditional Owners of the area on which this assessment took place and pay respect to their beliefs, cultural heritage and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

EXECUTIVE SUMMARY

OzArk Environmental & Heritage Management (OzArk) has been commissioned by Geolyse Pty Ltd (the Client) on behalf of Stanaway Proprietary Ltd (the Proponent) to complete a Due Diligence desktop assessment of Lot 3 in DP554158, 20L Chapmans Road, Dubbo NSW within the Dubbo Local Government Area.

The Proponent has prepared a Development Application to utilise the existing buildings on site for the purpose of a motel. Due to the presence of densely regenerating vegetation, this land use will require vegetation clearing for the establishment of an Asset Protection Zone (APZ). The APZ will require clearances of 80 metres to surround all buildings and 40 metres centred on the access road and proposed evacuation route to Blackbutt Road. Clearances are expected to affect approximately 4.12 hectares of native vegetation.

The current Study Area was previously surveyed by OzArk in 2006 for the *Aboriginal Heritage Study: Dubbo Local Government Area Stage 2 Field Survey* on behalf of Dubbo City Council. During the 2006 survey a scarred tree (DLGA-ST-04) and an isolated find (DLA-IF-04) were identified 890 metres and 900 metres northeast of the Study Area respectively. No Aboriginal sites were located within the Study Area itself and the Study Area was noted as being previously cleared of most mature nature vegetation.

As a result of this desktop assessment, no Aboriginal sites are expected to be located within the Study Area.

Recommendations concerning the Study Area are as follows:

1. As no Aboriginal sites are expected to be located within the Study Area and no landforms are assessed as having archaeological potential, no further archaeological assessment is required.
2. As it is assessed there is a low probability of impacting Aboriginal cultural heritage within the Study Area, the proposed works can proceed under the following conditions:
 - a. All land disturbing activities must be confined within the assessed Study Area. Should the project impacts change such that the area to be impacted is altered then additional assessment may be required.
 - b. Any work crews employed in ground disturbing works within the Study Area should be made aware of the legislative protection of Aboriginal sites and objects.
 - c. In the unlikely event that any remains are encountered that are suspected to be of Aboriginal cultural heritage in origin, then work should cease and the Unanticipated Finds Protocol (**Appendix 2**) should be followed.

CONTENTS

Executive Summary	iii
1 Introduction	1
1.1 Brief Description of The Proposal.....	1
1.2 Background.....	1
1.3 Proposed Works	2
1.4 Study Area	3
1.5 Relevant Legislation.....	4
1.5.1 State Legislation	4
1.5.2 Commonwealth Legislation	5
1.5.3 Applicability to the Project.....	6
1.6 Assessment Approach	6
2 The Archaeological Assessment	7
2.1 Purpose and Objectives.....	7
2.1.1 Aboriginal Archaeological Assessment Objectives.....	7
2.2 OzArk Involvement.....	7
2.2.1 Reporting	7
3 Landscape Context.....	8
3.1 Topography, Geology and Soils	8
3.2 Hydrology	8
3.3 Vegetation	8
3.4 Climate	8
3.5 Land–Use History and Existing Levels of Disturbance	9
3.6 Conclusion.....	9
4 Aboriginal Archaeology Background	10
4.1 Ethno-Historic Sources of Regional Aboriginal Culture	10
4.2 Regional Archaeological Context	11
4.3 Local Archaeological Context.....	12
4.3.1 Desktop Database Searches Conducted	12
4.4 Predictive Model for Site Location.....	13

5	Application of the Due Diligence Code of Practice	14
5.1	Introduction	14
5.2	Defences under the NPW Regulations 2009	14
5.3	Application of the Due Diligence Code of Practice to the Proposed Development.....	14
6	Recommendations	16
	References	17
	Appendix 1: AHIMS Basic Search Results	19
	Appendix 2: Unanticipated Finds Protocol	20

FIGURES

Figure 1-1: LGA Location map.	1
Figure 1-2: Aerial showing the location proposed carparks and bushfire excavation route to Blackbutt Road (Source: Australian Bushfire Protection Planners Pty Ltd).....	2
Figure 1-3: Proposed AZP (Source: Australian Bushfire Protection Planners Pty Ltd).....	3
Figure 1-4: Aerial showing the location of Lot 3 DP 5543158.	4

TABLES

Table 4-1: Desktop-database search results.	12
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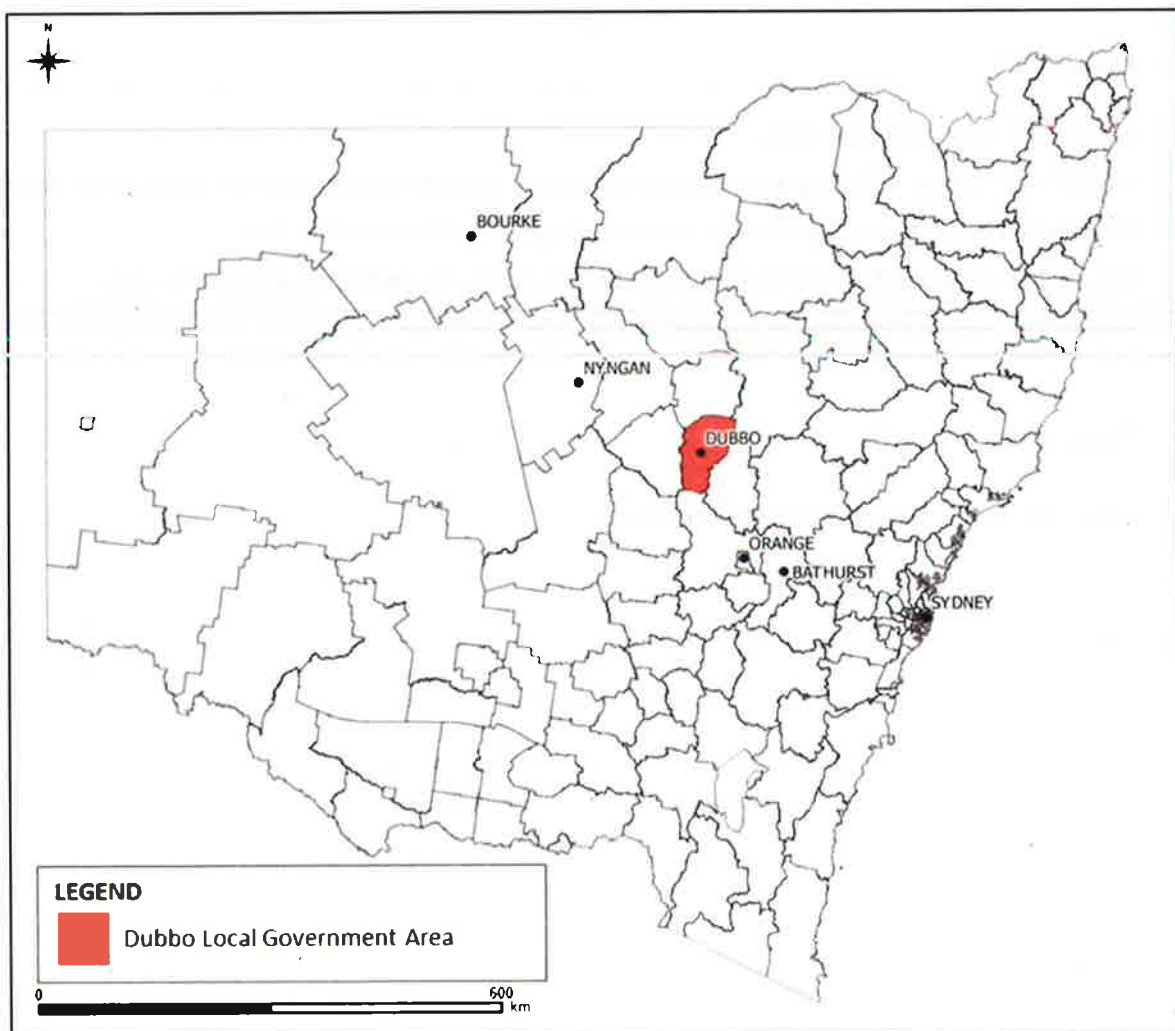
1 INTRODUCTION

1.1 BRIEF DESCRIPTION OF THE PROPOSAL

OzArk Environmental & Heritage Management (OzArk) has been commissioned by Geolyse Pty Ltd (the Client) on behalf of Stanaway Proprietary Ltd (the Proponent) to complete a Due Diligence desktop assessment of Lot 3 in DP554158, 20L Chapmans Road, Dubbo NSW within the Dubbo Local Government Area (LGA; **Figure 1-1**).

The Proponent has prepared a Development Application to utilise the existing buildings on site for the purpose of a motel.

Figure 1-1: LGA Location map.



1.2 BACKGROUND

The current Study Area was previously surveyed by OzArk in 2006 for the *Aboriginal Heritage Study: Dubbo Local Government Area Stage 2 Field Survey* on behalf of Dubbo City Council (OzArk 2006). During the 2006 survey a scarred tree (DLGA-ST-04) and an isolated find (DLA-

IF-04) were identified 890 metres and 900 metres northeast of the Study Area respectively. No Aboriginal sites were located within the Study Area itself and the Study Area was noted as previously cleared of most mature nature vegetation.

1.3 PROPOSED WORKS

The Proponent has prepared a Development Application to utilise the existing buildings on site for the purpose of a motel located within Lot 3 in DP 554158. Proposed works associated with the motel will include the construction of six carparks in cleared areas in the immediate surrounds of the building precinct.

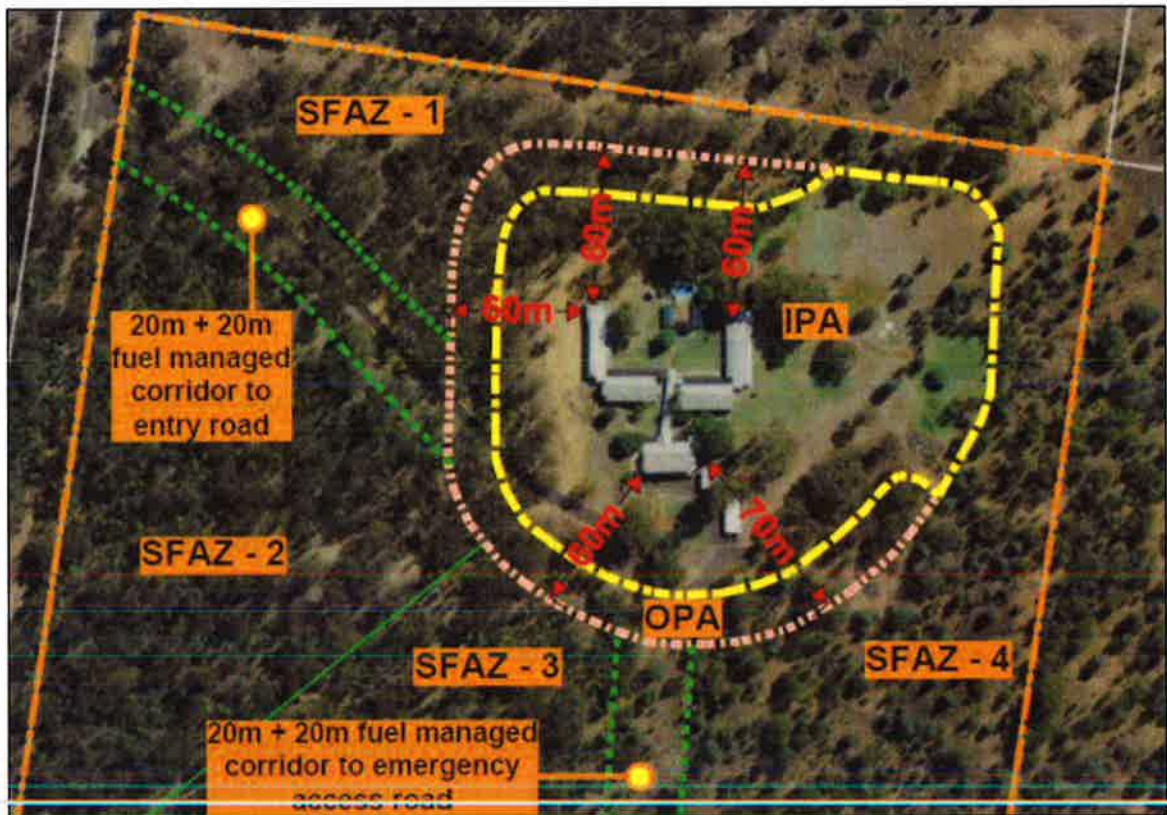
Due to the presence of densely regenerating vegetation, this land use will require vegetation clearing for the establishment of an Asset Protection Zone (APZ). The APZ will require clearances of 80 metres to surround all buildings and 40 metres centred on the access road and proposed evacuation route to Blackbutt Road. Clearances are expected to affect approximately 4.12 hectares of native vegetation.

Figure 1-2 and Figure 1-3 below present plans of the proposed works.

Figure 1-2: Aerial showing the location proposed carparks and bushfire excavation route to Blackbutt Road (Source: Australian Bushfire Protection Planners Pty Ltd).

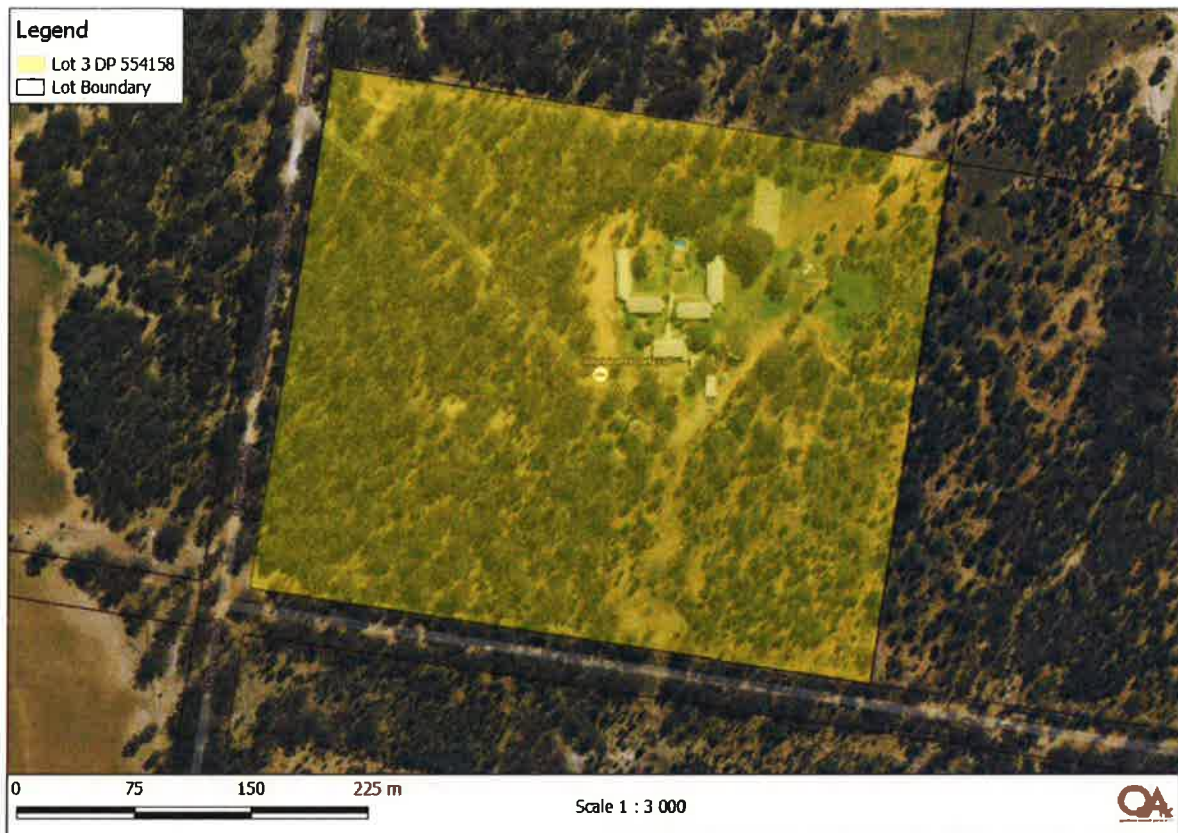


Figure 1-3: Proposed AZP (Source: Australian Bushfire Protection Planners Pty Ltd).



1.4 STUDY AREA

The Study Area covers approximately 13.5 hectares which includes all of Lot 3 DP 5543158, incorporating Asset Protection Zones (**Figure 1-4**). It is bounded to the west by Chapman Road and to the south by Blackbutt Road.

Figure 1-4: Aerial showing the location of Lot 3 DP 5543158.

1.5 RELEVANT LEGISLATION

Cultural heritage is managed by a number of state and national acts. Baseline principles for the conservation of heritage places and relics can be found in the *Burra Charter* (Australia ICOMOS 2013). The *Burra Charter* has become the standard of best practice in the conservation of heritage places in Australia, and heritage organisations and local government authorities have incorporated the inherent principles and logic into guidelines and other conservation planning documents. The *Burra Charter* generally advocates a cautious approach to changing places of heritage significance. This conservative notion embodies the basic premise behind legislation designed to protect our heritage, which operates primarily at a state level.

A number of acts of parliament provide for the protection of heritage at various levels of government.

1.5.1 State Legislation

Environmental Planning and Assessment Act 1979 (EP&A Act)

This Act established requirements relating to land use and planning. The framework governing environmental and heritage assessment in NSW is contained within the following parts of the EP&A Act:

- **Part 4:** Local government development assessments, including heritage. May include schedules of heritage items;
 - **Division 4.1:** Approvals process for state significant development;
- **Part 5:** Environmental impact assessment on any heritage items which may be impacted by activities undertaken by a state government authority or a local government acting as a self-determining authority; and
 - **Division 5.1:** Approvals process for state significant infrastructure.

National Parks and Wildlife Act 1974 (NPW Act)

Amended during 2010, the NPW Act provides for the protection of Aboriginal objects (sites, objects and cultural material) and Aboriginal places. Under the Act (Part 6), an Aboriginal object is defined as: any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises NSW, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains.

An Aboriginal place is defined under the NPW Act as an area which has been declared by the Minister administering the Act as a place of special significance for Aboriginal culture. It may or may not contain physical Aboriginal objects.

As of 1 October 2010, it is an offence under Section 86 of the NPW Act to 'harm or desecrate an object the person knows is an Aboriginal object'. It is also a strict liability offence to 'harm an Aboriginal object' or to 'harm or desecrate an Aboriginal place', whether knowingly or unknowingly. Section 87 of the Act provides a series of defences against the offences listed in Section 86, including:

- The harm was authorised by and conducted in accordance with the requirements of an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the Act;
- The defendant exercised 'due diligence' to determine whether the action would harm an Aboriginal object; or
- The harm to the Aboriginal object occurred during the undertaking of a 'low impact activity' (as defined in the regulations).

Under Section 89A of the Act, it is a requirement to notify the OEH Director-General of the location of an Aboriginal object. Identified Aboriginal items and sites are registered on AHIMS.

1.5.2 Commonwealth Legislation

Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Amendments in 2003 established the National Heritage List and the Commonwealth Heritage List, both administered by the Commonwealth Department of the Environment. Ministerial approval is required under the EPBC Act for proposals involving significant impacts to National/Commonwealth heritage places.

1.5.3 Applicability to the Project

The current project will be assessed under Part 5 of the EP&A Act.

Any Aboriginal sites within the Study Area are afforded legislative protection under the NPW Act.

It is noted there are no Commonwealth or National heritage listed places within the Study Area, and as such, the EPBC Act does not apply.

1.6 ASSESSMENT APPROACH

The current assessment follows the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Due Diligence; DECCW 2010a).

2 THE ARCHAEOLOGICAL ASSESSMENT

2.1 PURPOSE AND OBJECTIVES

The purpose of the current study is to identify and assess heritage constraints relevant to the proposed works.

2.1.1 Aboriginal Archaeological Assessment Objectives

The current assessment will apply the Due Diligence process in the completion of an Aboriginal archaeological assessment, in order to meet the following objectives:

Objective One: Assess from desktop-level the likelihood of Aboriginal heritage constraints within the Study Area based upon previously recorded sites, landform types present, and the existing level of disturbance;

Objective Two: Assess the likely impacts of the proposed works to any previously recorded sites and provide management recommendations.

2.2 OZARK INVOLVEMENT

2.2.1 Reporting

The reporting component of the current project was undertaken by:

- Report Author: Stephanie Rusden (OzArk Project Archaeologist; BS, University of Wollongong, BA, University of New England); and
- Reviewer: Ben Churcher (OzArk Principal Archaeologist, BA[Hons], University of Queensland, Dip Ed, University of Sydney).

3 LANDSCAPE CONTEXT

An understanding of the environmental contexts of a Study Area is requisite in any Aboriginal archaeological investigation (DECCW 2010b). It is a particularly important consideration in the development and implementation of survey strategies for the detection of archaeological sites. In addition, natural geomorphic processes of erosion and/or deposition, as well as humanly activated landscape processes, influence the degree to which these material culture remains are retained in the landscape as archaeological sites; and the degree to which they are preserved, revealed and/or conserved in present environmental settings.

The Study Area falls within the Brigalow Belt South Bioregion, within the Pilliga ecosystem, and is comprised wholly of the Goonoo Slopes landscape unit (Mitchell 2002: 10).

3.1 TOPOGRAPHY, GEOLOGY AND SOILS

The topography of the Goonoo Slopes are characterised by extensive undulating to stepped low hills, long westerly slopes and poorly defined drainage networks (Mitchell 2002:10). General elevation across this landscape type ranges from 300 metres to 500 metres, with a local relief of up to 30 metres. The Study Area is generally flat with a slight slope of less than five degrees to the west, southwest and south.

The geology of the Goonoo Slopes features sandstone, conglomerates, siltstone, shale and coal. Sedimentology of the Goonoo Slopes is defined by stony yellow earths with sandstone outcrops on ridgelines, and yellow harsh texture-contrast soils in shallow valleys (Mitchell 2002: 10).

3.2 HYDROLOGY

The Study Area does not contain any hydrological features. An unnamed drainage line is located approximately 310 metres east of the Study Area while the Macquarie River, a first order water source, is located 2.8 kilometres to the east.

3.3 VEGETATION

The Study Area has largely been cleared of all old growth. The existing development precinct within the Study Area contains landscaped gardens and mown lawns. Outside of the development precinct, the Study Area contains regenerating Mugga Ironbark Forest and disturbed Inland Grey Box Woodland.

3.4 CLIMATE

Climate statistics from Dubbo Airport, located approximately 5.6 kilometres north of the Study Area indicates the area has a mild climate with average temperatures that range from 3.0°C to 33.2°C. The locality receives an average annual rainfall of 569.8 millimetres (BOM 2015).

3.5 LAND-USE HISTORY AND EXISTING LEVELS OF DISTURBANCE

Disturbance, cultural or natural, potentially alters the archaeological record. It can do this in a variety of ways, directly or indirectly. For example, land clearing directly removes a particular site type - usually scarred trees or stone arrangements. Indirectly, land clearing accelerates soil erosion, potentially resulting in previously buried occupation / activity sites becoming exposed and altered / damaged.

Recent land-use and associated disturbance levels across the Study Area include:

- **Hostel Accommodation.** The Study Area contains an existing development precinct which includes community areas, kitchen and self-contained accommodation units comprising approximately 1.2 hectares of Lot 3 DP 554158. Associated recreational disturbances include a swimming pool and other sporting facilities.
- **Road Infrastructure.** The Study Area contains an unsealed road which runs from Chapmans Lane in the northwest to the development precinct. The unsealed road is approximately 430 metres long. Associated disturbances include carparks at the entrance of the development precinct.
- **Vegetation Clearing.** The Study Area has been previously cleared of almost all mature native vegetation. Native regrowth is now present throughout the Study Area.

3.6 CONCLUSION

The general vicinity of the Study Area would have afforded Aboriginal people in the past with sufficient resources to sustain year-round occupation of the general area. Neither the local topography nor climate would have inhibited this occupation. However, the lack of drainage lines within the Study Area, as well as its small size, indicates that the precise location of the Study Area would have been only sporadically visited. Further, due to the disturbances noted within the Study Area, it is likely that evidence of such visits may have been removed due to past land uses.

4 ABORIGINAL ARCHAEOLOGY BACKGROUND

4.1 ETHNO-HISTORIC SOURCES OF REGIONAL ABORIGINAL CULTURE

According to Tindale's map of tribal boundaries (1974), the Dubbo area falls within the northern limits of Wiradjuri country, as defined by the limits of the Wiradjuri language group. The Wiradjuri are typically described as a large language group or tribal nation who extend over a considerable area of New South Wales and consist of many individual groups. It is important to note that the current report is framed according to two primary group/language/tribal names in the Dubbo region, Wiradjuri and Tubba-Gah.

Bordering Wiradjuri country to the west is Wongaibon country, and to the north Wailwan country. Wailwan country starts at Gilgandra, runs across the Nyngan up the eastern side of the Bogan River to Brewarrina, across to Walgett and down to Coonabarabran.

According to Horton (1980), the boundary of the Wiradjuri extends somewhat further to the north and west to encompass Gilgandra, Nyngan and most of the Bogan River. There is no doubt that there were distinctive groups which can be defined by their linguistic traits, but the designation of lines on a map as boundaries, although useful, must also be accepted as problematic. Unlike Tindale's map, the map (from NSW NPWS) reproduced in Bowdler (1983: 17, Figure 2) shows a more general relationship of the language groups known to exist in NSW.

Early accounts of first contact between Europeans and Aboriginals in the Macquarie River area can be found in Oxley (1820) and Sturt (1833). Although interesting, these sources provide only a small window into the lifestyle and customs of the Aboriginal people of the Dubbo area. Near Whylandra Creek / Tanners Springs, one of the first encounters John Oxley had with the Indigenous inhabitants of the area was on August 13th 1817. It appears that this was the first time these Aborigines had seen white men, however they appeared to have knowledge of steel tomahawks as when they were presented with one as a gift they clutched it to their breast and demonstrated great pleasure. At the time of the meeting the Aborigines were obviously hunting, having with them dead possums and snakes, which they offered to the white men. Markings on the skin of the young Aboriginal men were described as longitudinal scars over the back and body with barely any space between them (Oxley 1820: 171-2). Oxley noted that near Arthurville, on what is now the Wambangalang Road:

The animation of the whole scenery was greatly increased by the smoke of the natives fires arising in every quarter, distinctly marking that they were in a country which afforded them ample means of subsistence; far different from the low deserts and morasses to the south.

There is little information surviving of the life of Aboriginal people in the Dubbo area after European settlement (Koettig 1985: 19). One of the most informative written sources available to

date is that of Edward Garnsey, who was born in Dubbo in 1874. His interest in Aboriginal culture of the Dubbo area led him to record information he had gathered both from his father and from old Aborigines he knew in the Dubbo region.

4.2 REGIONAL ARCHAEOLOGICAL CONTEXT

A number of studies have been undertaken by OzArk within Dubbo and its close surroundings encompassing, largely in a consultancy context. These studies have been undertaken by the following: OzArk 2002; OzArk 2007 and OzArk 2015. As part of the 2007 assessment completed by OzArk, the current Study Area was subject to survey.

OzArk (2002) undertook an archaeological survey of the Western Plains Zoo landholding located approximately 1.6 kilometres east of the Study Area. 12 new Aboriginal sites were located in addition to 21 previously recorded sites. Together they comprised 14 open sites, 15 scarred trees, two isolated finds, one midden and one site complex. Site distributions generally adhered to the predictive model, with: open camp sites predominantly recorded along creek banks or within 200 metres of the Macquarie River; scarred trees recorded close to water supplies; a burial site recorded in 1918 located on the gentle slope leading away from the sandy alluvial flats of the Macquarie River and associated with grinding grooves on outcropping sandstone (outcropping was not found elsewhere in the study area and no other grooves were located); and midden material recorded at one site located close to the banks of the Macquarie River.

OzArk (2006) assessed Indigenous heritage resources within the Dubbo Local Government Area (LGA) to assist Dubbo City Council with planning. This study aimed to: consolidate previous surveys and assessments of Indigenous heritage; set a baseline for further study; and survey areas zoned for future expansion. Approximately 1,120 hectares of land was surveyed including the current Study Area classed as Area 2 (OzArk 2007: 18). During the survey, 26 new Aboriginal sites were recorded, and eight of 12 previously recorded sites were located. Of the 26 newly recorded sites, a scarred tree (DLGA-ST-04) and an isolated find (DLA-IF-04) were identified 890 metres and 900 metres north east of the Study Area respectively. Proportions of newly located sites by type were similar to those found in previous studies. Fewer scarred trees were recorded than expected, likely due to intensive agricultural practices and associated tree clearance around Dubbo city compared to the broader Dubbo LGA. No new grinding groove sites were recorded, which was probable given this site type comprised only 3.61% of previously located sites within the Dubbo LGA. Scarred tree distribution adhered to the predictive model, being located exclusively following waterways and fence-lines, although this probably reflected land clearing practices more than Indigenous site patterning. Isolated finds and open sites followed a similar pattern, largely limited to watercourse edges and elevated terraces within 500 meters of the Macquarie River and other permanent to semi-permanent waterways. No real

pattern emerged in terms of site size or quality, perhaps because surface manifestations do not adequately reflect site size or complexity.

OzArk (2015) undertook an archaeological survey of Lot 172 DP 753233 located on Blackbutt Road for a low-density housing development. The study area encompassed approximately 100 hectares of semi-rural land noted as being previous disturbed by agricultural activities including vegetation clearing, grazing and cultivation. Two previously located sites CR-OS-1 (#36-1-0523) and CR-ST-1 (#36-1-0525) noted as being located in close proximity to the study area and attempts were made to relocate them. Sections of the study area with landforms possessing archaeological potential were inspected on foot, and as a result of the survey, two Aboriginal sites were recorded. BR-IF1 is a proximal fragment of quartz flake located on a low, sloping gravel roadway. BR-ST1 consists of an Inland Grey Box with a single elongated scar measuring 100 centimetres by 16 centimetres. BR-ST1 was assessed as holding moderate archaeological and aesthetic value by the archaeologists and as holding moderate to high cultural value following consultation with the Aboriginal representative.

A number of smaller assessments have been undertaken over the years on Blackbutt Road (bounding the Study Area to the south) and Obley Road (approximately 2.2 kilometres east of the Study Area) primarily for road alignment projects, have contributed to more than 50 recorded AHIMS-listed sites within the locality.

4.3 LOCAL ARCHAEOLOGICAL CONTEXT

4.3.1 Desktop Database Searches Conducted

A desktop search was conducted on the following databases to identify any potential previously-recorded heritage within the Study Area. The results of this search are summarised here in **Table 4-1** and presented in detail in **Appendix 1**.

Table 4-1: Desktop-database search results.

Name of Database Searched	Date of Search	Type of Search	Comment
Commonwealth Heritage Listings	1.12.15	Dubbo LGA	No places listed on either the National or Commonwealth heritage lists are located within the Study Area
National Native Title Claims Search	1.12.15	NSW	No Native Title Claims cover the Study Area.
OEI AHIMS	1.12.15	Lot 3 DP 554158 with a 200m buffer	0 AHIMS sites returned within the designated search area.
Local Environment Plan (LEP)	1.12.15	Dubbo LEP of 2012	None of the Aboriginal places noted occur near the Study Area.

A search of the OEH administered AHIMS database returned no records for Aboriginal heritage sites within the designated search area.

4.4 PREDICTIVE MODEL FOR SITE LOCATION

Across Australia, numerous archaeological studies in widely varying environmental zones and contexts have demonstrated a high correlation between the permanence of a water source and the permanence and/or complexity of Aboriginal occupation. Site location is also affected by the availability of and/or accessibility to a range of other natural resources including: plant and animal foods; stone and ochre resources and rock shelters; as well as by their general proximity to other sites/places of cultural/mythological significance. Consequently sites tend to be found along permanent and ephemeral water sources, along access or trade routes or in areas that have good flora/fauna resources and appropriate shelter.

In formulating a predictive model for Aboriginal archaeological site location within any landscape it is also necessary to consider post-depositional influences on Aboriginal material culture. In all but the best preservation conditions very little of the organic material culture remains of ancestral Aboriginal communities survives to the present. Generally it is the more durable materials such as stone artefacts, stone hearths, shell, and some bones that remain preserved in the current landscape. Even these however may not be found in their original depositional context since these may be subject to either (a) the effects of wind and water erosion/transport - both over short and long time scales or (b) the historical impacts associated with the introduction of European farming practices including: grazing and cropping; land degradation associated with exotic pests such as goats and rabbits and the installation of farm related infrastructure including water-storage, utilities, roads, fences, stockyards and residential quarters. Scarred trees may survive for up to several hundred years but rarely beyond.

Knowledge of the environmental contexts of the Study Area and a desktop review of the known local and regional archaeological record, the most likely sites to be encountered are:

- Scarred trees present as a dominant site type for the locality and hence are possible where mature trees of scar bearing type exist;
- Open camp sites are possible on elevated ground however due to the high level of disturbance across the Study Area this site type, if present, has a high likelihood of being disturbed and/or of low integrity; and
- Isolated finds may occur anywhere, especially in disturbed locations.

5 APPLICATION OF THE DUE DILIGENCE CODE OF PRACTICE

5.1 INTRODUCTION

In late 2010, changes were made to the NPW Act via the Omnibus Bill. As of October 2010, the Due Diligence process was instituted to assist developers to exercise the appropriate level of caution when carrying out activities that could cause harm to Aboriginal heritage.

5.2 DEFENCES UNDER THE NPW REGULATIONS 2009

The first step before application of the Due Diligence process itself is to determine whether the proposed activity is a "low impact activity" for which there is a defence in the NPW regulations 2009. The exemptions are listed in Section 7.5 of the Regulations (DECCW 2010a: 6).

The activities of Stanaway Proprietary Ltd do not fall into any of these exemption categories. Therefore the Due Diligence process must be applied.

Relevant to this process is the assessed levels of previous land-use disturbance.

The regulations (DECCW 2010a: 18) define disturbed land as follows:

Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.

Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.

5.3 APPLICATION OF THE DUE DILIGENCE CODE OF PRACTICE TO THE PROPOSED DEVELOPMENT

To follow the generic Due Diligence process, a series of steps in a question answer flowchart format (DECCW 2010a: 10) are applied to the project impacts and Study Area and the responses documented.

The following paragraphs address this due diligence for the

Step 1: Will the activity disturb the ground surface or any culturally modified trees?

Yes the activity will disturb the ground. Go to Step 2.

Step 2: Are there any:

- a) Relevant confirmed site records or other associated landscape feature information on AHIMS? and/or
 - b) Any other sources of information of which a person is already aware? and/or
 - c) Landscape features that are likely to indicate presence of Aboriginal objects?
- a) No previously recorded AHIMS sites are located within Lot 3 DP 554158 (see **Appendix 1**).
- b) It is noteworthy that Aboriginal community consultation is not a formal requirement of the Due Diligence process (DECCW 2010a Section 5), although it is noted that the Proponent may wish to consider undertaking consultation if it will assist in informing decision making.
- c) Landscape features noted here include (DECCW 2010a):
- within 200 metres of waters, or
 - located within a sand dune system, or
 - located on a ridge top, ridge line or headland, or
 - located within 200 metres below or above a cliff face, or
 - within 20 metres of or in a cave, rock shelter, or a cave mouth
- and is on land that is not disturbed land (see **Section 5.2**) then you must go to Step 3.

No. The Study Area does not contain any of the above landscape features. An unnamed drainage line is located at its closest 310 metres east of the Study Area and the Study Area has been previously disturbed as described in **Section 5.2**.

The Study Area was also previously surveyed by OzArk in 2006 for an individual project (OzArk 2006).

The 'no' answer for Question 2 a-c, removes the project from the Due Diligence Process at this step, moving it through to this outcome (DECCW 2010a: 10):

AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify OEH (Office of Environment and Heritage). If human remains are found, stop work, secure the site and notify NSW Police and OEH.

6 RECOMMENDATIONS

Under Section 89A of the NPW Act it is mandatory that all Aboriginal sites recorded under any auspices be registered with OEH AHIMS. As a professional in the field of cultural heritage management it is the responsibility of OzArk to ensure this process is undertaken.

To this end it is noted that **no Aboriginal sites** were recorded during the current assessment.

The following recommendations are made on the basis of these impacts and with regard to:

- Legal requirements under the terms of the NPW Act whereby it is illegal to damage, deface or destroy an Aboriginal place or object without the prior written consent of OEH;
- The findings of the current investigations undertaken within the Study Area; and
- The interests of the Aboriginal community.

Recommendations concerning the Study Area are as follows:

1. As no Aboriginal sites were recorded within the Study Area and no landforms were assessed as having archaeological potential, no further archaeological assessment is required.
2. As it is assessed there is a low probability of impacting Aboriginal cultural heritage within the Study Area, the proposed works can proceed under the following conditions:
 - a. All land disturbing activities must be confined within the assessed Study Area. Should the project impacts change such that the area to be impacted is altered then additional assessment may be required.
 - b. Any work crews employed in ground disturbing works within the Study Area should be made aware of the legislative protection of Aboriginal sites and objects.
 - c. In the unlikely event that any remains are encountered that are suspected to be of Aboriginal cultural heritage in origin, then work should cease and the Unanticipated Finds Protocol (**Appendix 2**) should be followed.

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APPENDIX 1: AHIMS BASIC SEARCH RESULTS



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 1325 20L Chapmans

Client Service ID : 201936

OzArk Environmental and Heritage Management

Date: 01 December 2015

PO Box 2069

Dubbo New South Wales 2830

Attention: Stephanie Rusden

Email: stephanie@ozarkehm.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 3, DP:DP554158 with a Buffer of 200 meters, conducted by Stephanie Rusden on 01 December 2015.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

☐	Aboriginal sites are recorded in or near the above location.
☐	Aboriginal places have been declared in or near the above location. *

APPENDIX 2: UNANTICIPATED FINDS PROTOCOL

An Aboriginal artefact is anything which is the result of past Aboriginal activity. This includes stone (artefacts, rock engravings etc.), plant (culturally scarred trees) and animal (if showing signs of modification; i.e. smoothing, use). Human bone (skeletal) remains may also be uncovered while onsite.

Cultural heritage significance is assessed by the Aboriginal community and is typically based on traditional and contemporary lore, spiritual values, and oral history, and may also take into account scientific and educational value.

Protocol to be followed in the event that previously unrecorded or unanticipated Aboriginal object(s) are encountered:

1. All ground surface disturbance in the area of the finds should cease immediately the finds are uncovered.
 - a) The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted; and
 - b) The site supervisor will be informed of the find(s).
2. If there is substantial doubt regarding an Aboriginal origin for the finds, then gain a qualified opinion from an archaeologist as soon as possible. This can circumvent proceeding further along the protocol for items which turn out not to be archaeological. If a quick opinion cannot be gained, or the identification is positive, then proceed to the next step.
3. Immediately notify the following authorities or personnel of the discovery:
 - a) OEH; and
 - b) Relevant Aboriginal Community Representatives.
4. Facilitate, in co-operation with the appropriate authorities and relevant Aboriginal community representatives:
 - a) The recording and assessment of the finds;
 - b) Fulfilling any legal constraints arising from the find(s). This will include complying with OEH directions; and
 - c) The development and conduct of appropriate management strategies. Strategies will depend on consultation with stakeholders and the assessment of the significance of the find(s).
5. Where the find(s) are determined to be Aboriginal Objects, any re-commencement of construction related ground surface disturbance may only resume in the area of the find(s) following compliance with any consequential legal requirements and gaining written approval from OEH (as required).

