



**Office of
Environment
& Heritage**

YASS VALLEY

11 APR 2014

COUNCIL

Your reference
Our reference:
Contact

PP -2012-03
DOC 13-82873
Amanda Sullivan 6229 7093

The General Manager,
Yass Valley Council
PO Box 6
YASS NSW 2586

Attention Liz Makim

Dear Sir,

RE: Planning Proposal 'Kyeema', Gundaroo Road, Gundaroo (PP-2012-03)

I refer to your letter of 13 November 2013 regarding the rezoning proposals at Gundaroo, assessed under the Gateway Determination process. I also refer to the Office of Environment and Heritage's (OEH) response to this letter of 16 December 2013.

Since responding to Council, OEH has been made aware of biodiversity issues associated with the Kyeema subdivision proposal. As such OEH sends this supplementary letter to Council to be considered along with OEH's original letter.

The finding of threatened species habitat on and immediately adjacent to the Kyeema property, which was previously not assessed, now needs to be considered as part of the rezoning proposal. OEH's detailed comments are contained within Attachment A.

OEH requests a meeting with Council to discuss ways in which the threatened species habitat can be best protected in the 'Kyeema' subdivision Gundaroo. It would be appreciated if you could please contact Conservation Planning Officer Amanda Sullivan (Mon-Wed) on 6229 7093 or amanda.sullivan@environment.nsw.gov.au to organise a meeting date.

Yours sincerely,

Allison Trewick 4/4/14

**ALLISON TREWEEK
Senior Team Leader, Planning - South East
Regional Operations Group
OFFICE OF ENVIRONMENT AND HERITAGE**

Enclosure: Attachment A

Attachment A

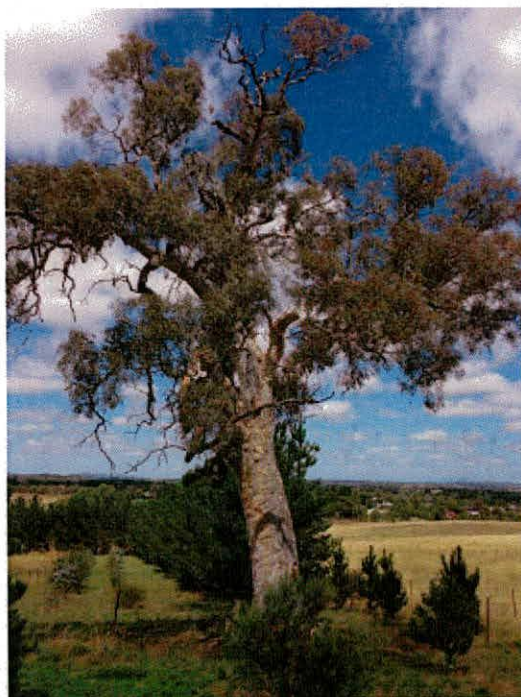
Potential impacts to threatened biodiversity from proposed re-zoning for 'Kyeema' subdivision Gundaroo

Background

In November 2013, the NSW Office of Environment and Heritage (OEH) received a request from Yass Valley Shire Council to provide comments on the proposed rezoning at Kyeema, Gundaroo Road, Gundaroo. Based on documentation provided by Council and a brief site inspection conducted on 9 December 2013, OEH identified that further investigation was required for flood risk and cultural heritage values. At the time, there were no issues of concern raised regarding potential threatened species or biodiversity impacts.

In January 2014, OEH was contacted by Gundaroo residents adjoining the proposed rezoning area, who presented a report detailing their concerns about impacts from the proposed subdivision rezoning on groundwater, flood risk and threatened species that were recorded on and next to the proposed rezoning site. The report provided detailed information and photographic evidence of the presence of breeding pairs of the threatened Superb Parrot and sighting records of a number of other threatened woodland birds.

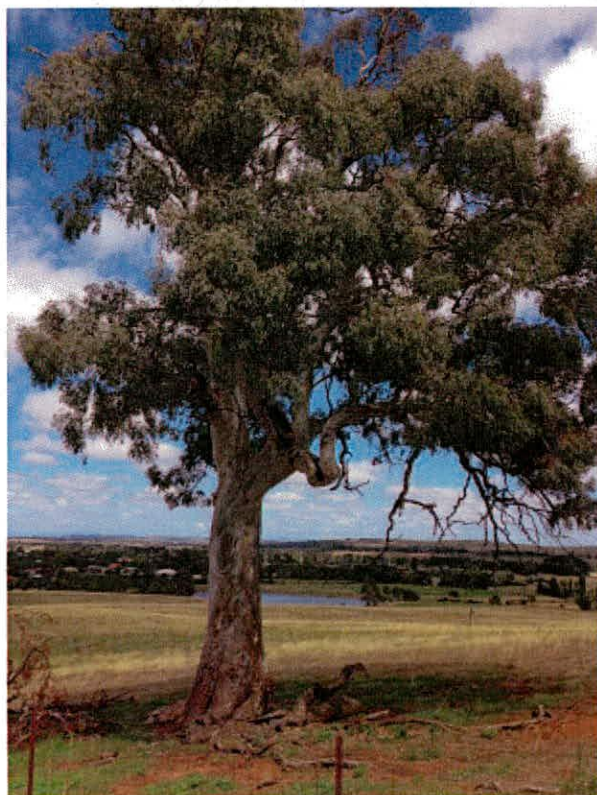
OEH has conducted a thorough review of this information and also conducted a visit of a property adjoining the proposed rezoning area on 4 March 2014. During the site visit OEH was shown the locality of five Superb Parrot nest trees on an adjoining property. One of these nest trees was within 10 metres of the eastern boundary (photograph 1) of the proposed rezoning area. OEH was also shown video footage and still images that validate these observations made by the landholder adjoining the proposed rezoning site.



Photograph 1 – known Superb Parrot nest tree adjacent (<10 m) to proposed rezoning site.

OEH was also shown a known nest tree from the 2013/14 breeding season on the proposed rezoning site, approximately 10 metres inside the eastern boundary of the proposed rezoning site (photograph 2). Still photographs of Superb Parrots entering the nest hollow were also provided

to OEH as evidence of the presence of breeding in this tree. Both of these trees are very large (> 100 cm diameter at breast height) hollow-bearing Scribbly Gums (*Eucalyptus mannifera*). These new locations of Superb Parrot nest trees are considered important new information to consider with respect to the proposed rezoning because there are no previous breeding records of this threatened bird in the Gundaroo local area. Furthermore, there are no previous observations of Superb Parrots using this species of tree for breeding habitat, and there are only four previous non-breeding records of the Superb Parrot in the Atlas of NSW Wildlife within a 5 km radius of Gundaroo.



Photograph 2. Known Superb Parrot nest tree near eastern boundary of proposed rezoning site

Issues of concern for threatened species

On the basis of information, video and still images provided by local residents, and the site inspection conducted on 4 March 2014, OEH provides the following advice to Yass Valley Shire Council regarding concerns about potential impacts to threatened species from the rezoning proposal.

Potential impacts to the Superb Parrot

Potential impacts to Superb Parrots include loss of habitat, and disturbance to Superb Parrot, which are known to be susceptible to human disturbance during the breeding season. Mechanisms to address these impacts include protection of known nest trees and to establish a buffer to minimise both direct and indirect impacts to nest trees.

By way of example, to minimise disturbance impacts from forestry management activities in the NSW Riverina, standardised 100 metre protective buffers developed by OEH are applied to known Superb Parrot nest trees. The ACT Government has also endeavoured to provide adequate set backs of several hundred metres or more between known Superb Parrot nest trees and new suburban residential developments.

As the current subdivision proposal stands, OEH has concerns that the recently documented Superb Parrot nest trees may be susceptible to direct and indirect impacts of disturbance from future development facilitated by the proposed rezoning that would allow residential housing lots in close proximity to known Superb Parrot nest sites. Presently there are no protective mechanisms in place to address this.

Threatened woodland birds

In addition to Superb Parrot breeding habitat within and adjacent to the proposed rezoning site, five other species of threatened woodland bird have been recorded on lands adjacent to the rezoning site – Brown Tree creeper, Varied Sittella, Scarlet Robin, Diamond Firetail and Gang-gang Cockatoo by the adjoining landholders. There are also records of five threatened fauna species within 5 km of the proposed rezoning site on the Atlas of NSW Wildlife database – Little Eagle, Regent Honeyeater, Superb Parrot, Gang-gang Cockatoo and Golden Sun Moth. The creation of a buffer around the recently documented Superb Parrot nest trees will also help to maintain foraging habitat for some of these threatened birds, particularly if there is scope to enhance the habitat quality in the buffer area with locally appropriate tree and shrub species.

OEH recommendations

To ensure the protection of the recently documented Superb Parrot habitat on the Kyeema property, OEH recommends that the preservation of the nest trees, that a buffer width of 50 metres be established around the nest trees, and this buffer be planted out with indigenous vegetation.

This buffer width is a compromise to the usual 100 m buffer applied to Superb Parrot nest trees and may still allow the proponent to realise the same number of residential lots without significant reduction in lot size.

It is essential that an appropriate and effective mechanism for permanent retention of the nest tree and this protective buffer is applied. To ensure this, OEH considers the following planning solutions need to be discussed with Council as part of the rezoning proposal.

Options for discussion include applying some or all of the following:

1. Rezoning the land around the nest trees to an environmental or recreational zone,
2. Re-configuring the subdivision layout of the rezoning proposal to allow for at least 50 m wide buffer along the eastern boundary of the proposed rezoning site,
3. The known nest tree is identified and protected under Councils Tree Protection Order,
4. The proponent enter a Conservation Property Vegetation Plan (PVP) with the South East Local Land Services prior to consent being granted for rezoning/development consent,
5. At the Development Application stage, consent is conditioned that a 50 metre buffer zone of planted native trees be established and maintained.

OEH are keen to work with YVSC and the proponent to develop a workable solution that will provide protection to this known threatened species habitat.