



Ms Kate Wooll
184 Bourke St
Goulburn, NSW, 2580

Our ref: DOC19/1060414
Your ref: REZ0005-1819- Hovell Street,
Goulburn

18 December 19

Dear Ms Wooll,

Subject: 59-61 Hovell Street Goulburn Planning Proposal

The Goulburn Mulwaree Council has sought the advice of the Biodiversity and Conservation Division (BCD) on 13 November in relation to the proposed re-zoning of 59-61 Hovell St from RE1- Public Recreation to R1- General Residential. A summary of BCD's advice is as follows:

- Impacts to planted native vegetation can trigger the *Biodiversity Conservation Act (NSW) 2016*. The draft Biodiversity Assessment Method currently on public exhibition has a new Appendix which deals with this unique scenario where impacts occur to planted native vegetation comprising species not indigenous to the local area or not consistent with a (Appendix D). This advice has not yet been gazetted and therefore does not apply. However it will apply in the future.
- This proposal does not trigger the Biodiversity Values Map, however, prima facie it appears to trigger the area clearing threshold *assuming total loss of native vegetation*. Entry into the Biodiversity Offsets Scheme (BOS) may be avoided by undertaking ecologically sensitive design.
- Ministerial Direction 9.1 to 'conserve environmentally sensitive areas' does not apply as the Council's Native Vegetation Officer, Brian Faulkner, undertook a site investigation which confirmed that the subject land was not Natural Temperate Grassland.
- Council should consider the adaptNSW guide to Minimising the Effects of Extreme Heat. Goulburn is already at risk of exacerbating the impacts of extreme heat due to the effect of Urban Heat Islands (UHI) and the lack of urban green cover. Converting urban green space into hardstand areas will only intensify UHI. However, climate change resilience can be incorporated into the proposal by integrating more reflective, vegetated and permeable surfaces into the built environment. BCD recommends ensuring that the proposal is consistent with the NSW Building Sustainability Index (BASIX) and the Technical guidelines to Urban Greencover in NSW published by AdaptNSW.



- A commitment is needed to undertaking an Aboriginal cultural heritage assessment at the development application stage. This assessment is necessary as the proposal land is located within areas of Aboriginal heritage sensitivity identified in the *2012 Goulburn Mulwaree LGA Aboriginal Heritage Study* (Figure 6.2) and *2009 Goulburn Mulwaree DCP* (Figure 3-2).

Further details on each of the above summary points can be found in Appendix 1. If you have any further questions, please do not hesitate to contact myself or Mallory Barnes, the Senior Regional Biodiversity Conservation Officer, on (02) 6229 7192 or via email at mallory.barnes@environment.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads 'Allison Treweek'.

Allison Treweek
Senior Team Leader
South East, Planning
Biodiversity and Conservation Division,

18/12/19.

Appendix 1 –

Further clarification on planted native vegetation in *Biodiversity Conservation Act 2016* (NSW)

Planted vegetation containing native species to NSW is considered 'native vegetation' pursuant to the definition provided in Section 60 B of the *Local Land Services Act (NSW) 2016* and needs to be included in a BAM assessment under Section 7.3 of the *Biodiversity Conservation Act (NSW) 2016*. The standard practice in this scenario is to assign the most appropriate PCT for the planted native vegetation and apply the BAM as though it were remnant vegetation. Therefore, irrespective of whether or not a patch of vegetation can be classified into a PCT, it can still trigger entry into the Biodiversity Offsets Scheme (BOS) if it meets the area threshold or is covered by the biodiversity values map. The revised draft Biodiversity Assessment Method currently on public exhibition has a new Appendix which deals with this unique scenario where impacts occur to planted native vegetation comprising species not indigenous to the local area or not consistent with a (Appendix D).

The planning proposal does not trigger the biodiversity values map (see Figure 1 below) but it may trigger the area clearing threshold. The actual lot size is the minimum lot size - 3.18 ha – the area clearing threshold is therefore 0.5 ha. The total area of native vegetation, shown in Figure 2, is 0.61 ha. Assuming total loss of vegetation, this Planning Proposal may trigger entry into the BOS. Therefore, correct application of the *Biodiversity Conservation Act (NSW) 2016* would require that any Development Application is accompanied by a Biodiversity Development Assessment Report (BDAR).

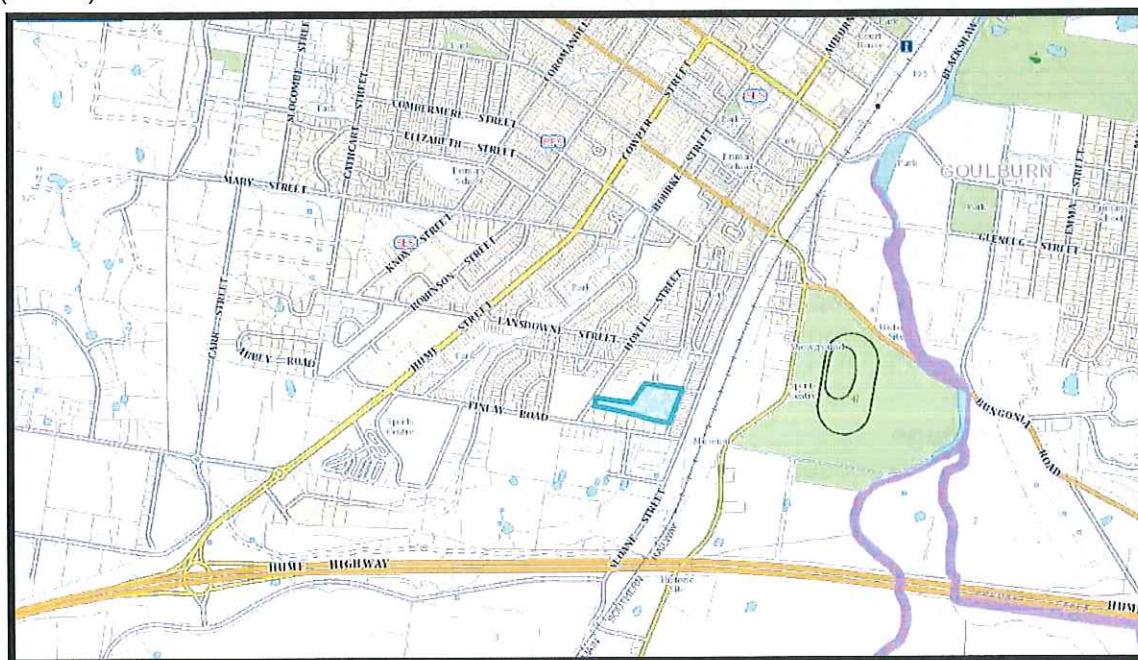


Figure 1 - Screen shot from the Biodiversity Values Map and Tool website showing that 59-61 Hovell Street is not mapped as having biodiversity values.

However, the native vegetation running east-west in the southwestern corner of the Subject Land which is designated as 'Proposed Public Reserve (Vegetation Buffer Zone)' on page 9 of the Planning Proposal is 0.26 ha (see Figure 2 below). If the vegetation in this area was retained, it would reduce the clearing area to 0.35 ha, thereby avoiding entry into the BOS.

Separate from the issue of whether this proposal triggers entry into the BOS, the area is not mapped as having High Environmental Value (HEV). It is, however, mapped in the Goulburn Mulwaree Council Biodiversity Strategy as being High Conservation Value Lands due to the possibility of Natural Temperate Grassland. This mapping in this strategy was not ground-truthed. BCD is satisfied with the finding by Council's Native Vegetation Officer, Brian Faulkner, that the subject land is dominated by exotic species and does not comprise of Natural Temperate Grassland. Furthermore, the site does not form a part of an ecological corridor



Figure 2 – Area of native vegetation shown in green. The total area of native vegetation within the subject land is 0.61 ha. The strip running north-south is 0.35 ha and the strip running east-west is 0.26 ha.

Aboriginal Cultural Heritage

While the rezoning currently proposed does not specifically impact any Aboriginal objects at this time, we advise that any future development application will require a comprehensive Aboriginal cultural heritage assessment to be undertaken in consultation with relevant Aboriginal parties. This is in line with the recommendations of the 2012 *Goulburn Mulwaree LGA Aboriginal Heritage Study* (Figure 6.2) and 2009 *Goulburn Mulwaree DCP* (Figure 3-2).

The Planning Proposal (pages 22 & 23) outlines that no Aboriginal objects were recorded as part of a search of the Aboriginal Heritage Information Management System (AHIMS) and landform elements may indicate the likelihood of Aboriginal heritage occurring within the site to be relatively low. However, Aboriginal objects may still exist on a parcel of land even though they have not been recorded in AHIMS. The proposal land is also located within areas of Aboriginal heritage sensitivity identified in the 2012 *Goulburn Mulwaree LGA Aboriginal Heritage Study* (Figure 6.2) and 2009 *Goulburn Mulwaree DCP* (Figure 3-2). These documents support the need for an assessment as part of any development application.

The Aboriginal cultural heritage assessment should be undertaken as early as possible to provide up front measures which could be taken to avoid or mitigate impacts if Aboriginal objects are located and give greater certainty for stakeholders in any development assessment process.

Identifying Aboriginal cultural heritage values and consultation with Aboriginal people should be guided by the following documents:

- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW, 2011) available at: www.environment.nsw.gov.au/licences/investassessreport.htm
- Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010) available at: www.environment.nsw.gov.au/licences/consultation.htm
- Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (OEH, 2010) available at: www.environment.nsw.gov.au/licences/archinvestigations.htm

