



Office of
Environment
& Heritage

YASS VALLEY

17 DEC 2013

COUNCIL

General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582.

Your reference PP-2013-01, PP-2012-03
Our reference: DOC13/82873,
DOC13/85089
Fil 08-8747
Contact Amanda Sullivan 6229 7093

Attention: Liz Makin

Dear Sir,

RE: Planning Proposal – 'Kyeema, Gundaroo Rd, Gundaroo (PP-2012-03); and Sutton Road and Faithfull Street, Gundaroo (PP-2013-01)

I refer to your letter of 13 November 2013 requesting comments from the Office of Environment and Heritage (OEH) on the two rezoning proposals at Gundaroo, received under the Gateway Determination process.

As a general concept, OEH is supportive of 'greenfield' future growth areas that are adjacent to an existing village, rather than isolated / disjunct settlements or dispersed rural residential areas. As such, OEH supports Council in not considering the planning proposal 'Macrorrhyncha', 209 East Tallagandra Lane, Sutton (PP-2-13-13) any further.

OEH has reviewed the documentation sent by Council and conducted a site inspection with Council and the landowners on Monday 9 December 2013. This site inspection, coupled with a desktop analysis forms the basis of OEH's comments.

Overall, OEH supports the two planning proposals, however advises Council in the following Attachment that further investigation is required in flood planning and cultural heritage matters to better inform the rezoning process.

Should you wish to discuss this matter further, please contact Amanda Sullivan on (02) 6229 7093 (Mon – Wed) or by email at amanda.sullivan@environment.nsw.gov.au.

Yours sincerely

ALLISON TREWEEK
Senior Team Leader Planning
Regional Operations - South East

Enclosure: Attachment 1 – Detailed comments on the Planning Proposal
Figure 1 –the Due Diligence Process

Attachment 1 – Detailed comments on the Planning Proposal

Biodiversity

There are records of the threatened bird species Superb Parrot (*Polytelis swainsonii*) and Regent Honeyeater (*Anthochaera Phrygia*) on the Sutton Road and Faithfull Street property, and Little Eagle (*Hieraaetus morphnoides*) on the Kyeema property, however the site inspection confirmed there is little habitat for these species on these two properties.

OEH agrees with the findings of the Flora and Fauna Assessment, by Griffin Associates Environment P/L July 2011 for the Property "Kyeema" Gundaroo, NSW and the Salvestro Planning Proposed Rezoning for the Sutton Road and Faithfull Street property, Gundaroo, March 2013. There are no biodiversity values that will be impacted upon by the proposal.

Cultural Heritage

The majority of Aboriginal sites already recorded within the Gundaroo area consist of stone artefact scatters, some with over 200 objects recorded. As such, although there are no known sites within the two areas proposed for rezoning, there is still potential for Aboriginal objects to occur, especially along the areas closest to Yass River and McLeods Creek.

OEH acknowledges the past pastoral and cropping practices of the two properties, however given the pattern of known records around Gundaroo recommends that a due diligence process be undertaken.

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010) can be used by individuals or organisations who are contemplating undertaking activities which could harm Aboriginal objects. This Due Diligence Code provides a process whereby a reasonable determination can be made whether or not Aboriginal objects will be harmed by an activity, whether further investigation is warranted and whether the activity requires an AHIP application. A copy of this Due Diligence Code can be found at: <http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>. (See figure 1 for the Due Diligence flow chart)

OEH acknowledges this is a re-zoning proposal, however we recommend that consideration given to undertaking an archaeological survey and assessment early on in the planning process to ascertain what Aboriginal objects may occur within the two subject areas. Undertaking an assessment now would give more certainty to any future development applications and provide up front measures which could be taken to avoid or mitigate impacts if sites are located.

Floodplain Risk Management Comments

OEH notes that the sites for PP-2012-01 & PP2012-02 are traversed by local watercourses and as such are potentially affecting by flooding. However, there does not appear to be any analysis of the nature or extent of potential flood affection. As such it remains unclear as to how council has satisfied itself that the rezoning proposals are consistent with the flood related section 117 direction as the land is being considered for rezoning from rural to an urban type use.

As the proposed sites are potentially affected by flooding and or has the potential to affect flood behaviour it should be considered by Council in accordance with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM05). The primary objective of the flood policy is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce the private and public losses resulting from flooding, utilising ecologically positive methods wherever possible.

The implications of the full range of floods, including events greater than the design flood, up to the probable maximum flood (PMF) should be considered including:

- the impact of flooding on the development
- the impact of the development on flood behaviour, and;
- the impact of flooding on the safety of people/users of the development.

It is recommended that council undertakes an appropriate level of analysis and documentation so as to demonstrate that development of the site is consistent with NSW Government Flood Prone Lands Policy as set out in the Floodplain Development Manual. OEH notes that Council has not yet completed any Floodplain Risk Management Plans in its Local Government Area and has recently sought financial and technical assistance from the Government Floodplain Management Program for Yass and Sutton/Gundaroo however grant funding has not yet been made available. OEH commends Council in initiating the preparation of these Floodplain Risk Management Plans however as the flood planning process has not commenced, Council may need to utilise its existing flood information and or undertake separate investigations of flooding as it considers the current rezoning applications.

Should Council require any further advice on flood risk management as it relates to the Floodplain Development Manual, it should not hesitate to contact OEH.

FIGURE 1

The generic due diligence process

