



Office of
Environment
& Heritage

DOC16/404344

Mr George Curtis
Senior Planner
Department of Planning and Environment
Southern Region
Email: george.curtis@planning.nsw.gov.au

Dear Mr Curtis,

Thank you for giving the Office of Environment and Heritage (OEH) a chance to comment on the 'Goulburn Mulwaree Council Planning Proposal – Deletion of the West Goulburn Urban Release Area North of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, Goulburn' before making your Gateway determination.

We have reviewed the planning proposal and recommend that it not proceed to Gateway. Should the Department of Planning and Environment (DPE) decide to allow this proposal to go to Gateway, we would advise that Council not be given delegation as our only option would be to object to the planning proposal in its current form. These recommendations are based on the following issues:

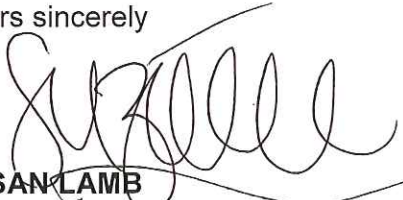
- The designation of 'Urban release area' requires that a site specific Development Control Plan (DCP) to be prepared. One of the requirements of a DCP is "*an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation*".
- The subdivision proposal for the current urban release area does not make any attempt to avoid impacts on the Yellow Box-Blakely's Red gum community Endangered ecological community ("Box Gum Woodland EEC") across the site. It is therefore unlikely that removing the need to prepare a landscape plan for protecting remnant vegetation will result in a positive outcome for biodiversity.
- The proposal to map the vegetation on site as a biodiversity hotspot in the Goulburn-Mulwaree DCP 2009, does not afford it any greater protection as there are no actions linked to biodiversity hotspots in the Goulburn-Mulwaree DCP 2009
- The Yellow Box-Blakely's Red gum community on site, may meet the Commonwealth's definition of the Box Gum Woodland under the Federal Environment Protection and Biodiversity Conservation Act (EPBC Act).
- The Planning Proposal is inconsistent with Part 8 (Natural Environment) of the Sydney-Canberra Corridor Strategy.
- Fails to address the requirement in the Goulburn-Mulwaree Strategy 2020 of "*Supporting the principles of ecologically sustainable development*"
- Planning proposal makes no reference to the Goulburn-Mulwaree Biodiversity Strategy (2007)
- The Planning Proposal incorrectly states that no Aboriginal sites are known to occur within the subject area.

More detailed considerations of the comments made above can be found in Attachment 1.

To provide additional context on this subdivision proposal, we have included our previous correspondence with the proponents and Goulburn-Mulwaree Council regarding the proposed subdivision of land at Shannon Drive in Attachment 2.

Should you wish to discuss this matter further, please contact Tobi Edmonds on (02) 6229 7094 or by email at tobi.edmonds@environment.nsw.gov.au.

Yours sincerely



12/08/2016

SUSAN LAMB
A/Senior Team Leader Planning - South East
Regional Operations Group – South

comments

Attachment 1 – Detailed comments on Council's planning Proposal

The numbers reference the sections in the Planning Proposal.

1.1 - The removal of the urban release area will make it harder for some landowners to subdivide.

The urban release area (URA) status requires that the developers must produce a development control plan (DCP) to Council's satisfaction. This means that issues such as biodiversity need to be considered for the whole area. If the URA is removed the first developer to put in a subdivision development application (DA) may be able to claim 'no significant impact' on the Box Gum woodland EEC however subsequent DA's would be likely to have a significant impact on the residual remnant vegetation. The subsequent developers would likely be constrained from developing.

3.3 - The Planning Proposal is inconsistent with Part 8 (Natural Environment) of the Sydney-Canberra Corridor Strategy.

While the Planning Proposal might be consistent with the *Housing and Settlement*, and *Economic* sections of the Sydney-Canberra Corridor Strategy, it fails to consider the requirements of Section 8 – Natural Environment, in any way. Section 8 states that

"Councils will ensure new urban development and rural residential development is directed away from land assessed as being of high conservation value and appropriate planning controls incorporated into local environmental plans to protect biodiversity values on other conservation land" and

"New development adjoining or adjacent to areas of high biodiversity value will incorporate buffers to avoid land use conflict"

Currently the site specific DCP for a URA would require "an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation". If the URA is removed, the Goulburn-Mulwaree DCP 2009 does not provide adequate protection for the Box Gum Woodland currently covered by the URA. This has not been considered by the Planning Proposal.

3.4.1 - Fails to address the requirement in the Goulburn-Mulwaree Strategy 2020 of "Supporting the principles of ecologically sustainable development"

Page 7 of the Strategy suggests several approaches to addressing land demands for urban, rural and agricultural purposes in the future. Two of these approaches are:

- Safeguarding important heritage and ecological assets in any land use and development decisions overall, to ensure that the development of land is carried out in as orderly and efficient manner.
- Supporting the principles of ecologically sustainable development.

If the URA were to be removed from this site, how would these approaches be addressed through the Goulburn-Mulwaree DCP 2009?

This section of the Planning Proposal makes no reference to the Goulburn-Mulwaree Biodiversity Strategy (2007).

The subdivision proposal for the current urban release area does not seem to make any attempt to avoiding impacts on the EEC. It is therefore unlikely that removing the need to prepare a landscape plan for protecting remnant vegetation will result in a positive outcome for biodiversity.

3.7 - The proposal to map the vegetation on site as a biodiversity hotspot in the Goulburn-Mulwaree DCP 2009, does not afford it any protection.

There are currently no actions or considerations linked to biodiversity hotspots in the Goulburn-Mulwaree DCP 2009. If Council is proposing to amend the Goulburn-Mulwaree DCP 2009 to address this, then those amendments should be included as part of the justification for the Planning Proposal.

The Yellow Box-Blakely's Red gum community on site, may meet the Commonwealth's definition of the Box Gum Woodland under the EPBC Act.

Council should seek confirmation from the Department of Environment and Energy on whether the proposed development of the URA would be considered a controlled action.

3.9 - The Planning Proposal incorrectly states that no Aboriginal sites are known to occur within the subject area.

We note that Section C, 3.9 (page 6) of the Planning Proposal states that the subject land "is not known to contain European or Aboriginal cultural heritage items or places" but provides no information as to how this was determined.

We can advise that a number of Aboriginal sites have already been recorded within the subject land since 1996 as a result of previous archaeological assessments. Therefore, while the Planning Proposal does not specifically impact any Aboriginal objects at this time, any future development proposed in the subject area will require a comprehensive Aboriginal cultural heritage assessment to be undertaken.