



**Office of
Environment
& Heritage**

Your reference: RA14/1000
Our reference: EF14/6168
Contact: J Lemmon

13 May 2014

James Bonner
Development Co-ordinator
Shoalhaven City Council
PO BOX 42
NOWRA NSW 2541
Email: council@shoalhaven.nsw.gov.au

Dear Mr Bonner,

RE: COMMENTS ON REGIONAL DEVELOPMENT RA14/1000 MOTORSPORTS FACILITY

I refer to your letter dated 8 April 2014 seeking comments on the Master Plan for a Motor Sports Facility and upgrade of the existing Nowra Motor Cycle Club located at Yerrilyong. A review of the submitted information has been undertaken, in addition to a field inspection. It is noted that the referral was triggered for matters of Aboriginal Heritage, however advice is now provided to you on biodiversity, National Park estate management issues and Aboriginal Cultural Heritage matters. The primary concern from OEH is the identified need for a Species Impact Statement. Please find the detailed comments and justification attached.

If you have any enquiries regarding this matter, please contact Jedda Lemmon on 42 244 176.

Yours sincerely

 13/5/14

Jedda Lemmon
A/Senior Team Leader
Planning (Illawarra)
South Branch, Regional Operations Group

Biodiversity

The flora and fauna report prepared by Biosis does not adequately or appropriately apply the assessment of significance for up to 40 threatened species that are known or likely to occur on the site. OEH disagrees with the conclusion of no significant impact of the development upon threatened species because:

- the entire local population of *Cryptostylis hunteriana* will be removed,
- seasonally appropriate survey have not been done to confirm presence or absence of *Genoplesium baueri*, *Pterostylis vernalis* and *Pterostylis ventricose*, and
- the use of the site for roosting and/or nesting by local populations of several species of microbats, woodland birds, cockatoos and owls has not been adequately quantified.

A species impact statement is required to further assess the impacts of the development on populations of threatened species in the region.

Threatened Species Assessment

OEH disagrees with the approach of the flora and fauna assessment report which restricted the application of the assessment of significance to two fauna and two flora species. OEH has identified at least 28 threatened fauna species (Table 1) and 11 threatened flora species (Table 2) that are known or likely to occur on the site based on their known distribution, presence of suitable habitat or survey results. An assessment of significance should be done for all of these species.

Table 1: Threatened fauna known or with potential to occur within the subject area.

| Scientific Name | Common Name |
|--------------------------------------------|------------------------|
| Amphibians | |
| <i>Heleioporus australiacus</i> | Giant Burrowing Frog |
| <i>Litoria littlejohni</i> | Littlejohn's Tree Frog |
| Reptiles | |
| <i>Hoplocephalus bungaroides</i> | Broad-headed Snake |
| <i>Varanus rosenbergi</i> | Rosenberg's Goanna |
| Birds | |
| <i>Calamanthus fuliginosus</i> | Striated Fieldwren |
| <i>Callocephalon fimbriatum</i> | Gang-gang Cockatoo |
| <i>Calyptorhynchus lathami</i> | Glossy Black-Cockatoo |
| <i>Circus assimilis</i> | Spotted Harrier |
| <i>Daphoenositta chrysoptera</i> | Varied Sittella |
| <i>Glossopsitta pusilla</i> | Little Lorikeet |
| <i>Lophoictinia isura</i> | Square-tailed Kite |
| <i>Melanodryas cucullata cucullata</i> | Hooded Robin |
| <i>Neophema pulchella</i> | Turquoise Parrot |
| <i>Ninox strenua</i> | Powerful Owl |
| <i>Petroica boodang</i> | Scarlet Robin |
| <i>Petroica rodinogaster</i> | Pink Robin |
| <i>Tyto novaehollandiae</i> | Masked Owl |
| <i>Tyto tenebricosa</i> | Sooty Owl |
| Mammals | |
| <i>Cercartetus nanus</i> | Eastern Pygmy Possum |
| <i>Chalinolobus dwyeri</i> | Large-eared Pied-bat |
| <i>Dasyurus maculatus</i> | Spotted-tailed Quoll |
| <i>Miniopterus schreibersii oceanensis</i> | Eastern Bentwing-bat |
| <i>Mormopterus norfolkensis</i> | Eastern Freetail-bat |
| <i>Petaurus australis</i> | Yellow-bellied Glider |

| | |
|-------------------------------|---------------------------|
| <i>Petrogale penicillata</i> | Brush-tailed Rock-wallaby |
| <i>Phascolarctos cinereus</i> | Koala |
| <i>Pteropus poliocephalus</i> | Grey-headed Flying-fox |
| <i>Sminthopsis leucopus</i> | White-footed Dunnart |

Table 2: Threatened flora known or with potential to occur within the subject area.

| Species Name | Common Name |
|--------------------------------------------------|------------------------|
| <i>Acacia bynoeana</i> | Bynoe's Wattle |
| <i>Cryptostylis hunteriana</i> | Leafless Tongue Orchid |
| <i>Eucalyptus langleyi</i> | Albatross Mallee |
| <i>Eucalyptus sturgissiana</i> | Ettrema Mallee |
| <i>Hibbertia puberula</i> | |
| <i>Hibbertia stricta</i> subsp. <i>furcatula</i> | |
| <i>Genoplesium baueri</i> | Bauer's Midge Orchid |
| <i>Melaleuca deanei</i> | Deane's Paperbark |
| <i>Pterostylis vernalis</i> | |
| <i>Pterostylis ventricosa</i> | |
| <i>Triplarina nowraensis</i> | Nowra Heath Myrtle |

OEH does not agree with the conclusion of no significant impact of the development on threatened species, particularly for *Cryptostylis hunteriana*. The assessment of significance should be applied to the local population of a threatened species, which is defined as 'the population that occurs within the study area, unless the existence of contiguous or proximal occupied habitat and the movement of individuals or exchange of genetic material across the boundary can be demonstrated' (Department of Environment and Conservation 2004). Biosis have described this local population of *Cryptostylis hunteriana* as 'part of a cluster of known occurrences between Nowra and Batemans Bay'. This is clearly broader than the above definition. Further, they conclude that 'the removal of the two recorded plants and habitat for the species within the study area is unlikely to place the occurrence of the species within the region at risk of extinction'. This is a conclusion for an assessment at a regional scale, not a local population. The correct conclusion for the local population, that on existing information comprises only two plants, is that a significant impact is likely.

Seasonally appropriate survey has not been undertaken for *Genoplesium baueri*, *Pterostylis vernalis* or *Pterostylis ventricosa*. Further survey is required prior to support a conclusion on the likely impacts of the proposed development on these species. In the absence of appropriate targeted survey, a species should be assumed to be present for the purpose of an assessment of significance. In this case, a conclusion of significant impact would be likely.

A site inspection was undertaken on the 6th of May 2014. OEH staff observed a very high number of hollow-bearing trees across all parts of the site, including the existing facility and the undeveloped lands across the site. Given the large number of threatened species known or likely to occur on the site that use hollows for roosting or breeding, we believe that a greater effort is required to understand the use of hollows across the site by a range of species. These include several species of microbats, woodland birds, cockatoos and owls. This information is important in understanding how the threatened species recorded use the habitat and whether critical resources are present on the site.

OEH does not consider that sufficient fauna and flora survey has been undertaken for the Master Plan Development Application. The western component in particular has had very limited fauna and flora surveys undertaken. This information is required to inform and assess likely impacts to threatened species as there will be impacts on both sides of the road.

Regional conservation context

It is noted that the area has been identified as High Conservation Value according to the South Coast Regional Conservation Plan (DECCW 2010), contributes to a habitat corridor and also contains old growth forest according to the Old-growth Forest Related Projects undertaken as part of the Southern NSW

Comprehensive Regional Assessment (NPWS 2001). The clearance of approximately 58 hectares of intact, high quality vegetation and other activities associated with the Master Plan have considerable potential to impact these values.

Scope of the Master Plan

The Master Plan should include details on all aspects of the proposed development, including the full spatial extent of the Motor Sports Facility and associated infrastructure. For example, the full extent of the Enduro course on the western side of Main Road 92 needs to be identified and any improvements or modifications, and their likely environmental impact, detailed. All works planned for the western side of the road, including upgrades and modifications to the existing facility need to be included and fully assessed.

Vegetation Clearance

Clear mapping of all vegetation proposed to be cleared is needed for accurate assessment of all impacts of the proposal, particularly on the western side. The Master Plan is unclear as to the extent of vegetation clearance required in the modification of the existing facility.

OEH is also concerned that the stage 1 vegetation clearance on the eastern side of the road may occur without the financial resources secured to construct the Motor Sport facility, resulting in a long period between the land being cleared and construction starting. This is undesirable, and measures should be put in place to ensure vegetation clearing only occurs at the commencement of construction.

Sedimentation

The existing facility on the western side has had significant impact on watercourses within the area and minimal sediment control measures have been implemented. The Soils, Soil Erosion, Sediment Control and Revegetation report outlines significant degradation including substantial sedimentation of Calymea Creek and impacts from the Enduro tracks on watercourses and significant vegetation and proposes some measures to address these. In addition the site visit identified significant degradation and sedimentation of the creek running south – north through the existing facility on the western side of the road. OEH recommends that mitigation measures and controls be identified, assessed and implemented to address these issues, independently of this Development Application process. Additional details are required in the Master Plan Development Application on how erosion and sedimentation impacts would be managed to reverse existing impacts and ensure further impacts do not occur. Sediment control structures should be incorporated into the site plan.

Enduro Course

The route of the proposed Enduro Course should be mapped so that potential impacts can be identified and assessed. In addition, mapping of all current tracks on the subject area and leading off the subject area should be mapped. It appears that riders currently use a number of tracks to access areas outside of the subject areas. "Unofficial" tracks also have the potential to have negative environmental impacts and measures to close and rehabilitate these tracks should be proposed and measures to prevent creation of future unofficial tracks should be identified.

Vehicle Strike

The Master Plan is likely to lead to an increased potential of vehicle strike on threatened species, both on public roads due to increased traffic volumes and on the racing precinct. Actions to avoid or minimise these potential impacts should be identified.

Recommendations

OEH recommends:

- That the proponent provide the additional information identified as inadequate.
- That the proponent undertake a Species Impact Statement for the Development Application
- That given the poor environmental management of the existing facility, the proponent is required to create and implement an Environmental Management Plan to address unacceptable environmental impacts and prevent future impacts prior to any consent being issued.

- That the Stage 1 vegetation clearance is only permitted to occur when construction of the Motor Sport Facility can be constructed in a timely manner.

Aboriginal Cultural Heritage

The Aboriginal cultural heritage advice provided at Annexure 3 has been completed with reference to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010).

It is OEH policy in general not to comment on Due Diligence as it is a voluntary process that provides a legal defence against prosecution should Aboriginal objects that were not anticipated to be present be uncovered and impacted during the course of works. However in this instance OEH have reviewed the advice and provide the following comments.

The advice reviewed does not provide enough information to explain why the land east of Braidwood Road is considered unlikely to contain Aboriginal objects, particularly given the evidence of Aboriginal use of the area (AHIMS #52-5-0384) and the presence of a watercourse.

Due Diligence advice should be clear on whether Aboriginal objects are likely to be present or not. If it cannot be stated clearly that Aboriginal objects are unlikely to be present then further assessment should be undertaken prior to any impact.

If Aboriginal objects are present or are likely to be present and an activity will harm those objects, then an AHIP application will be required.

General Management Issues

Fire management

The motorsports facility is east of Colymea SCA. Over recent years there have been fires around the existing motor cross site which have a tendency to creep west and drop off into the Calymea Creek. If and when fires do this they become a management problem for both Rural Fire Service (RFS) and National Parks and Wildlife Service (NPWS). Should the proposal proceed, it is suggested that significant slashed breaks within the foot print of the development are implemented to reduce the likelihood of fires leaving the site.

Access by unauthorised recreational vehicles west into Colymea SCA and south into Parma Creek NR

A lot of recreational vehicles in nearby National Park estates and surrounding crown lands come from riders bored with the motor cross track or unable to access it due to closure for competitions. Recreational vehicles typically find their way east down into the Calymea Creek and then into the Colymea SCA. It is recommended that the proposed facility cater for some general public access to reduce pressure from the riding community into other public lands like Parma NR and Colymea. In addition to this, it is recommended that the facility provides some form of security on the boundary to stop riders leaving the site as they currently do.



Office of
Environment
& Heritage

Your reference: RA14/1000
Our reference: EF14/6168
Contact: J Lemmon
Date: 30 September 2015

General Manager
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Dear Mr Pigg,

RE: COMMENTS ON REGIONAL DEVELOPMENT RA14/1000 MOTORSPORTS FACILITY

Thank you for your request dated 11th September to review additional information submitted for the Motor Sports Facility at Braidwood Road, Yerriyong. We have reviewed the updated information and provide advice below with regard to both the biodiversity and Aboriginal and Cultural Heritage matters.

OEH is cognisant of the regional need of such a facility and the value of upgrading and expanding the activity. However, the land immediately surrounding and adjacent to the existing Motor Sports Facility at Yerriyong has long been recognised as having significant biodiversity values and habitat corridor functioning. The informal use of surrounding lands for motor sports, and the impact upon biodiversity values, has been brought to the attention of this agency on other occasions. As such, given the proposed investment for a future Motor Sport complex and the likely degree of biodiversity impact (and legislative mechanisms to address), it is apparent that a strategic re-think is warranted for the location of an expanded regional-scale Motor Sports Facility in the Shoalhaven.

Biodiversity

We recognise that the Flora and Fauna Assessment (Biosis, 27 August 2015) has been updated to reflect additional survey effort and refined details regarding the proposed impacts. However, our primary concern that a Species Impact Statement would be required remains unchanged, as per our advice issued 13/5/14.

Ultimately, the decision to make a determination under Section 5A of the *Environmental Planning and Assessment Act 1979* rests with Council. However it is our view that the proposed removal of 22 *Cryptostylis hunteriana* (listed as Vulnerable under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1995* and the *NSW Threatened Species Conservation Act 1995*) leaving five individuals observed on the adjoining land would constitute a significant impact. Key reasons for this assessment include:

- The proposal will result in the removal of all the plants found within the area proposed to be cleared (22), leaving only 5 individuals off-site adjacent to the proposed facility.
- There is a low confidence that the records found off-site (over 1100m to the south), can be considered part of the population as they exceed the known mean distance of movement for the known pollinator.
- If the plants off-site are considered part of the population, the proposal will still result in removal of the majority of the plants, leaving only 5 known individuals - a significant loss of 81% of the currently known local population.
- The remaining 5 individuals are unlikely to constitute a viable population.
- The Threatened Species Profile Database defines a negligible loss for this species as a population size of two individuals. The proposal will result in the loss of a population in excess of 2 individuals

(22 to 27). Exceeding the defined negligible loss for a species triggers a 'red flag' under the BioBanking methodology.

Regional Conservation Significance

The site is identified as high conservation value in the South Coast Regional Strategy (Department of Planning 2007). The affiliated South Coast Regional Conservation Plan (DECCW, 2010) then provides rules for the validation of mapped high conservation land.

Biosis have assessed the site against these rules and concluded that the site meets the criteria for high environmental value due to the habitat on site for a number of threatened fauna species and threatened flora. This is well confirmed by the survey results which show that the site provides habitat for 11 threatened fauna and 1 threatened flora species.

The South Coast Regional Strategy recommends development occur outside of areas recognised as being high environmental value. Where a proposal conflicts with these values the sustainability criteria of this strategy apply (in Appendix 1 of the Strategy). This requires that a proposal demonstrate an *improve or maintain* outcome.

As Council will be aware, the recent Shoalhaven LEP 2014 also recognises the land as having significant vegetation in the Terrestrial Biodiversity Map (Sheet BIO_014A) and provisions in cl.7.5 – Terrestrial Biodiversity aims to protect such mapped vegetation and its biodiversity values from new development.

To move forward with this proposal we recommend the following options be considered:

| Options | Likely outcome |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) Explore alternative sites with reduced biodiversity impacts to avoid and minimise the impact to high environmental value land | Recommended option. Alternative sites with less environmental constraints will have an easier assessment pathway. |
| 2) The proponent submit a request to the Chief Executive of OEH to provide directions to undertake a Species Impact Statement | Undertaking an SIS will require further biodiversity survey in an area wider than the impact site. This is done to more fully understand the local significance. If this results in OEH supporting the proposal, the likely requirement will be to suitably offset the impacts using the BioBanking Assessment Methodology. Given the biodiversity values on site, the offset site will likely be significant (over 500 hectares) in combination with a requirement to secure appropriate <i>C. hunteriana</i> species credits. This outcome, while standard, could prove onerous for the proponent to achieve. We note that approval under the BioBanking Assessment Methodology will prove very difficult due to the significant 'red flag' variation (to be approved by the Minister) that will be required to permit clearing of 22 <i>C. hunteriana</i> plants. This option will prove difficult to justify for OEH to support. |
| 3) Engage an accredited assessor to assess the impact using the BioBanking methodology and determine and secure an appropriate offset requirement | BioBanking is a voluntary mechanism. We note that approval under the BioBanking Assessment Methodology will prove very difficult due to the significant 'red flag' variation that will be required to permit clearing of 22 <i>C. hunteriana</i> plants. It is unlikely that 'red flag' variation criteria can be justified to enable OEH to support this option. |

Aboriginal Cultural Heritage

Our previous comments were that there was insufficient information to explain why the area east of Braidwood Road is assessed as having a low level of archaeological sensitivity. The updated report (Biosis 15 June 2014) maintains the assessment of low archaeological potential and provides limited additional information to support this conclusion.

Council and the proponent need to be aware that if the project proceeds, and Aboriginal objects are found during works conducted under due diligence work must stop immediately and contact made with OEH. An Aboriginal Heritage Impact Permit (AHIP) is likely to be needed before work can resume. This could result in delays to otherwise anticipated project planning and timeframes.

From the updated assessment, the assessment of low archaeological potential is based on predictive modelling of archaeological site distribution. This suggests that it is unlikely that archaeologically significant sites are present within the subject area, to both the east and west of Braidwood Road. No survey transects or details of effective survey coverage are provided from which to assess whether the predictive model was tested through survey.

As well as the comments provided by us in 2014, please note that:

- No impact can occur to AHIMS site 52-5-0384 from the proposed works
- If unrecorded Aboriginal objects are found during works conducted under due diligence you must stop work immediately and contact OEH. An Aboriginal Heritage Impact Permit (AHIP) may be needed before you can resume work
- For the purposes of due diligence, the results of AHIMS searches are valid for 12 months and should therefore be regularly renewed. The updated search results should be incorporated into the due diligence assessment
- Due diligence assessments should provide a robust assessment of the potential for Aboriginal objects to be present within the subject area

Due diligence is a voluntary process that may provide a defence to the strict liability offence of causing harm to Aboriginal objects under the National Parks and Wildlife Act 1974.

General Management Issues

Fire management

Our previous comments (13/5/14) stated our concern regarding management of fires at the facility. We recommended to manage this existing problem that significant hazard reduction measures should be catered for to minimise the management burden to Rural Fire Service (RFS) and National Parks and Wildlife Service, and impact on surrounding bushland. There has been no detailed assessment of asset protection requirements, so there remains uncertainty as to whether a) these will be provided and b) any additional clearing that this would entail.

Access and track extensions

We reiterate our previous concerns with regard that the facility provides some form of security on the boundary to stop riders leaving the site and creating new tracks as they currently do. Details are still lacking which clearly articulate how the facility will be managed to prevent extension of tracks.

Sediment control measures

We raised concerns in our previous comments regarding the existing significant impacts on watercourses, which is likely to be increased with any expansion of the facility. The proposal still lacks detail on proposed methods to remediate and manage current, and increased impacts from sediment loads on watercourses.

If you have any enquiries regarding this matter, please contact Jedda Lemmon on 42 244 176.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Chris Page', with a horizontal line drawn through the middle of the signature.

Chris Page
Senior Team Leader
Planning (Illawarra)
South Branch, Regional Operations Group



Office of
Environment
& Heritage

Your reference: RA14/1000-05
Our reference: SF16/9239
Contact: G Pietrini
Date: 17 Mar 2016

Elisabeth Bailey
Planning and Development Services
Shoalhaven City Council
PO BOX 42
NOWRA NSW 2541
Email: council@shoalhaven.nsw.gov.au

Dear Ms Bailey,

RE: COMMENTS ON AMENDED MOTORSPORT FACILITY RA14/1000-05

Thank you for inviting further comment on the amended Development Application for the Yerrilyong Motorsports Proposal (RA15/1000-05). The Office of Environment and Heritage (OEH) acknowledges that, since our previous comments of 26/11/16, a revised Master Plan has been submitted with one of the aims being to reduce impacts to the threatened orchid *Cryptostylis hunteriana*.

The amendments have led to a revised assessment of impacts outlined in Table 7 of the Biosis report (19 Feb, 2016), which include:

- Total loss of 41.8 hectares of Shoalhaven Sandstone Forest
- Removal of one plant of the threatened flora species *Cryptostylis hunteriana*, with the retention of the 41 other known plants
- Removal of at least 497 known hollow bearing trees and retention of 504 hollow bearing trees (noting that 67% of the precinct was surveyed)
- Removal of 41.8ha of habitat for up to 14 threatened fauna species recorded from the site.

OEH remains concerned with this degree of impact to local biodiversity values on a site of regional conservation significance.

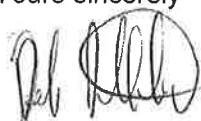
Detailed comments on the proposal are in Attachment 1, with key points being:

- The site is identified as having significant biodiversity and conservation values through the South Coast Regional Strategy (2007), South Coast Regional Conservation Plan (2010) and the Illawarra Shoalhaven Regional Plan (2015). These documents all contain guidance to protect such lands, to direct new development to more appropriate locations and to achieve balanced outcomes (e.g. through offsets) where there are unavoidable impacts on biodiversity.
- The amended plan does not propose any offset to mitigate the assessed biodiversity impacts. References to rehabilitating the nearby Enduro track to mitigate the impacts of the proposed clearing have not been considered as the rehabilitation is not part of the current proposal. Additionally, appropriate management of the Enduro track is considered an existing responsibility.

- Uncertainty remains around long term viability of the on-site *Cryptostylis hunteriana* population due to the expected high visitation of the site, poor understanding of the species ecology and lack of detail around proposed management measures.
- The loss of 50% of hollow-bearing trees across the site and the cumulative impacts on 12 hollow-dependent threatened fauna species predicted to occur at the site have not been adequately assessed. There is no scientific evidence or previous experience to suggest the proposed translocation of hollows would successfully mitigate this impact.
- The recent record of an Aboriginal cultural heritage site in the proposal area requires the proponent to revisit the Aboriginal cultural heritage assessment of the site.
- The implication of bushfire asset protection zones on vegetation loss and biodiversity has not been integrated into the assessment.

If you have any enquiries regarding this matter, please contact Gabrielle Pietrini, Regional Manager - Illawarra, on 4224 4159.

Yours sincerely



17/3/16

DEREK RUTHERFORD
Director South Branch
South Branch, Regional Operations Group

Attachment 1: OEH Comments on amended Development Application for the Yerriyong Motorsports Proposal (RA15/1000-05)

We have reviewed the amended documentation, including the updated Flora and Fauna Assessment by Biosis (February 2016). An orchid specialist, Alan Stephenson, also notified OEH in January 2016 of additional threatened orchids on the site. We understand that Council is aware of these additional records, and it appears that the amended Master Plan has also been designed to avoid impacts to these new recorded plants.

Strategic planning framework for native vegetation outcomes

The proposal appears to have been under consideration for some period of time (circa 2011 or earlier) with the formal Development Application (DA) lodged in 2014. Prior to that timeframe, the NSW Government's South Coast Regional Strategy (2007) was in place to provide strategic direction on land use planning and new development in regard to identified biodiversity and conservation values. This document was backed-up by the more detailed South Coast Regional Conservation Plan in 2010. In late 2015, the Illawarra Shoalhaven Regional Plan was released with renewed guidance for planning and development matters.

At the strategic planning level, the South Coast Regional Strategy is clear that new development should be directed away from areas known to be of conservation significance and that local environmental plans should prohibit new development on land assessed as being of high conservation value (and for wildlife corridors to be protected). The Strategy also directs new development toward cleared land or areas where only limited clearing of native vegetation with low conservation values is required. The South Coast Regional Conservation Plan identifies the site as having high conservation values based on four criteria:

- Regional corridor
- Threatened fauna habitat
- Threatened flora habitat
- Old growth forest (in part).

The South Coast Regional Strategy also specified that outcomes should maintain or enhance the Region's biodiversity. When considering additional development sites that may be outside of the preferred framework, it is necessary to demonstrate that the proposal can satisfy the Sustainability Criteria in Appendix 1. The Sustainability Criteria requires consistency with the South Coast Regional Conservation Plan and a need to maintain or improve areas of regionally significant terrestrial biodiversity (including regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats).

While the Regional Strategy and new Regional Plan are in a period of transition, it is evident that the Regional Plan echoes this earlier strategic guidance (eg *Goal 5 – A Region that Protects and Enhances the Natural Environment*). Based upon the criteria in the Regional Plan, the subject site is also of 'high environmental value' (i.e. threatened species habitat, old growth forest, and identified in Figure 1 as biodiversity corridor). The Regional Plan also supports avoidance and offsetting by statements such as, "*Understanding the general degree of biodiversity loss upfront will assist proponents and Councils to work out practical offsetting solutions to avoid or minimise impacts; for example, by locating new development away from areas of high conservation value*". Also, the Regional Plan highlights the importance of protecting and improving biodiversity corridor values, and, in regard to new development in biodiversity corridors, Council is to consider land uses appropriate to maintain and enhance ecological connectivity.

While the extent of native vegetation removal and loss of hollow bearing trees has been reduced from the original proposal, total clearing is still significant at 41.8ha and will adversely impact the habitat for multiple threatened species. However, no offset is proposed to achieve the 'maintain or enhance' biodiversity requirement in the Regional Strategy.

Offsetting biodiversity impacts

If the DA assessment proceeds, OEH considers that the offsetting of biodiversity impacts would be necessary. Our previous advice clarified that the BioBanking Assessment Methodology would be the appropriate assessment method to demonstrate a 'maintain or enhance' outcome for this development.

OEH considers there are potential environmental benefits that would arise from the consolidation of the existing Enduro tracks and improved track management west of Braidwood Road. However, it is understood these works do not form part of this proposal. OEH does not consider that the measures are an adequate compensation or offset for the proposed facility, but should be integral to the existing use and management.

*Impacts to Leafless Tongue Orchid - *Cryptostylis hunteriana**

The most recent iteration of the Master Plan has attempted to reduce impacts to *Cryptostylis hunteriana*. This has been achieved through the retention of the bulk (41 of 42 known plants) of the known population. New layouts have taken into consideration recent additional survey for orchids undertaken by both Biosis and recognised orchid specialist, Alan Stephenson.

Uncertainty still remains around long term viability of this population due to the expected high visitation of the site, lack of consideration of impacts from bushfire Asset Protection Zones (see below), and poor understanding of the species ecology and lack of detail around proposed management measures.

Addressing long term viability is a key factor in determining the overall impacts to *Cryptostylis hunteriana*. To achieve this, a long term mechanism with committed funding, identified actions and assigned responsibility for implementation is required. This would require clear population objectives and include monitoring and contingency actions if population declines are observed. A suggested model for such an undertaking would be a Biobanking Agreement on the retained lands.

Fauna survey

We consider there are limitations with the fauna survey, including:

- Limited survey effort for Eastern Pygmy Possum and more effective survey techniques that could have been used (e.g. use of artificial shelter sites)
- No detail provided on timing of surveys for frogs, particularly Giant Burrowing Frog, in relation to rain events
- No surveys for Squirrel Gliders, despite records being found within 10km of the site and suitable habitat being present
- The assessment concluded there is no breeding habitat for Turquoise Parrot, but no stag watching of smaller hollows appears to have been undertaken
- No stag watches for large hollow dependent threatened fauna were undertaken within the area to be impacted (Figure 6, Biosis Feb 2016).

There is potential conflict between the proposed 'fauna friendly' fencing with bollards and cable to facilitate fauna movement and the Traffic Report recommendation to contain

pedestrian movement along Braidwood Road. It is unclear how this this will be resolved or may impact on fauna movement between the east and west side of Braidwood Road.

Hollow Bearing Trees

Biosis has developed a classification of conservation significance of tree hollows for this site (Section 3.2.1). No scientific basis is provided for the assessment criteria that categorises small hollows as less significant than larger hollows (Table 9, Appendix 1.2). The hollow-dependent threatened fauna species which were identified on site or which have potential to occur all use a variety of hollows, from <3cm to >50cm. A higher score for larger hollows, larger trees, increasing number of hollows in a tree or closer proximity to a waterbody do not reflect the specific requirements for the range of species identified.

The loss of hollow bearing trees is a Key Threatening Process (KTP) for a number of threatened fauna known to utilise the site. Within the threatened species assessment (s.5A EP&A Act), the consideration of KTPs has not been adequately addressed. For each hollow-dependent fauna species that has been assessed (12 species), Biosis conclude there will be an increase to the KTP – *Loss of Hollow-bearing Trees*. However, the cumulative loss of an estimated 50% of hollow-bearing trees on the site for multiple threatened fauna species has not been considered.

The Flora and Fauna Assessment claims that hollows to be impacted will be salvaged and translocated, and therefore a 'no net loss' policy is applied. The proposed translocation is problematic for a number of reasons:

- There is limited substantiated evidence of translocation providing effective replacement habitat
- There is no proposed site for the translocation
- Ongoing management and the cost of doing a translation of this scale would be significant.
- No details for the proposed management, or mechanism to ensure in-perpetuity management of hollows is provided.

Aboriginal Cultural Heritage

OEH's advice of 30 September 2015 stated that the archaeological assessment had limited explanation of why the area east of Braidwood Road was assessed as having low archaeological potential. As an Aboriginal object (site 52-5-0827) has recently been recorded in this area, the proponent should revisit their Aboriginal cultural heritage assessment and discussion of the archaeological potential of the area.

The proponent must consider options for avoiding harm to Aboriginal objects, including 52-5-0827. If Aboriginal objects will be harmed during construction, the proponent must apply to OEH for an Aboriginal Heritage Impact Permit (AHIP). This requires an archaeological assessment and consultation with the Aboriginal community that follows OEH guidelines. Further information about applying for an AHIP is available on our website at <http://www.environment.nsw.gov.au/licences/Section87Section90.htm>.

Fire management / Asset Protection

Our previous advice expressed concern regarding management of fires at the existing facility. National Parks and Wildlife Service request that asset protection measures be included in any new facility, if progressed, to limit impact from fires to surrounding bushland and reserves, Parma Creek Nature Reserve and Colymea State Conservation Area. A bushfire assessment was provided based on an earlier Master Plan (SET Consultants, Nov 2013), but has not been updated to reflect the current Master Plan. We note that this earlier assessment recommended a 70m Asset Protection Zone (including 60m inner protection

zone) be maintained in all directions from the Clubhouse and administration precincts for the life of the facility. These impacts have not been considered in the biodiversity assessment. Given the location of the proposed infrastructure this may impact on the orchid retention area.

From: [Chris Page](#)
To: [James Bonner](#)
Cc: [Jedda Lemmon](#)
Subject: Yerriyong Motorsport facility
Date: Wednesday, 15 June 2016 1:00:48 PM

Hi James,

As per earlier discussion, here is some comment from OEH to the Biosis Report:

In summary, OEH still does not consider the approach to, or the offsetting solutions offered, to be satisfactory for such a significant biodiversity impact.

In more detail, OEH has only recently become aware that additional information has been submitted by Biosis (6 June 2016) for the Yerriyong Motorsports proposal. We note that this report proposes that an offset requirement will be met by creating a Conservation Management Plan of land on the existing enduro track facility, west of Braidwood Road.

OEH does not support the proposal as an effective or adequate offset solution because:

- offsets should be based on quantitative assessment of the loss in biodiversity from clearing (or other indirect development impacts) and the gain in biodiversity from the offset. It has not been quantified through an established offset methodology such as the BioBanking Assessment Methodology to ensure that the appropriate credit requirements are met
- there is no appropriate legal mechanism or instrument proposed to secure the required actions
- there is no secure and transparent funding agreement
- the current condition of the facility west of Braidwood Road reflects poorly on the current management of the facility and Councils ability to regulate future impacts. Rehabilitation of this site should be an ongoing management issue for the current activity and does not equate to an offset for the proposed development.

At the strategic planning level, OEH again highlights that the subject lands are acknowledged to have significant environmental conservation values (see South Coast Regional Strategy (2007), South Coast Regional Conservation Plan (2010) and the Illawarra – Shoalhaven Regional Plan (2015)). All these strategic planning documents highlight that land with high environmental/conservation values should be protected and that the siting of new development will be directed away from sensitive locations in the first instance.

OEH would have liked to have had more time to review this new information.

regards

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(Please note I am not available on Fridays)

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