

Modification of DA (10.2015.498.1) consent

The Works Department from Snowy Monaro Regional Council (formerly Cooma Monaro Shire Council) is seeking a modification of the following Consent conditions:

Consent condition 5 *'The offset area included in Appendix D is to be increased to include the balance of the site identified as exotic grassland in the northern and western portion of the site.'*

Mature canopy trees are to be planted in all of the offset areas as increased by this condition and as identified in Appendix D of the approved EIS'.

The Works Department is seeking the **deletion** of this consent condition for the following reasons:

- Offset areas have been calculated under the Office of Environment and Heritage (OEH) BioBanking calculator using the BioBanking Assessment Methodology. As can be seen from the table below extracted from the EIS, the proposal is in Offset credits;

Credit results

The following ecosystem credits are generated by the offset site, shown in comparison to the credit requirement from the development site. No threatened species credits are relevant to either site.

Table 4. Credit comparison

Code	Vegetation name	Development site		Offset site		Net credits
		Management zone area (ha)	Credit requirement from development site	Management zone area (ha)	Credits generated from offset site	
Low condition						
MR602	Ribbon Gum - Snow Gum grassy forest on damp flats, eastern South Eastern Highlands Bioregion	5.15	79	16.12	136	57 in surplus
Moderate to good condition						
MR602	Ribbon Gum - Snow Gum grassy forest on damp flats, eastern South Eastern Highlands Bioregion	6.73	271	10.24	75	43 in surplus
MR602	Ribbon Gum - Snow Gum grassy forest on damp flats, eastern South Eastern Highlands Bioregion (shrubby)			24.74	228	
Total			350		439	100 in surplus

- The northern and south western boundaries (*'the balance of the site'*) sit lower in the landscape, there is no existing tree cover and no tree stumps to indicate historical land clearing. The GIS 'predictive native vegetation' predicts these locations as 'Natural Temperate Grassland' an observation supported by OEH when on site. The planting of Grassy Woodland species in a site that would have been Natural Temperate Grassland is not standard practice or an action that would be supported by the OEH.
- The northern end of the land parcel is a very exposed site and the likelihood of successful revegetation establishment is exceedingly low thus leaving council open to further criticism 'Council wasted rate payer money on trees that died';
- In the very unlikely scenario that revegetation works did establish on the north and western boundaries, the screening value will be of minimal benefit as the existing extractive industry sits higher in the landscape (elevation > 20m). The Grassy Woodland communities on site (higher in the landscape to the south) have stunted tree species due to the soil type and exposure of the site. It can be assumed new plantings in the northern and western boundaries would exhibit the same growth pattern, and as such would offer little if any screening value.
- The suggestion of "mature trees" is not Best Practice and would almost ensure 100% failure as would be far too great a shock for mature trees to be planted in such an exposed site. Sourcing mature native trees would also be challenging as nurseries supply tube stock and forestry tubes.
- As can be seen from Section D.4.2 Staging and Table 5, extraction sites are to be linked to the Offset site management. Council's annual rate of extraction is low, in the past 10 years maximum extraction per year has been 12 585 tonnes per year. Refer table below for extraction rates from 2006 to 2014.
- It is highly likely works will roll out from Stage 1, Stage 2 and then to Stage 4. The Stages of highest biodiversity value will be extracted from if and when the demand arises.

It seems unreasonable to require management of the entire Offset site when potentially Council may never extract from some of the nominated stages if demand is not there. This was the entire justification for linking Stages to Offset management sites.

Extraction Rates per year (tonnes)

2006	2008	2009	2010	2011	2012	2013	2014
2 375	4 214	320	6 906	8 323	8 003	12 858	477

D.4.2 Staging

The extraction planned for Bunyan quarry would take place over an estimated 25 year period. While the entire offset site would be purchased upon approval of the quarry expansion, management of the offset site would be tied to extraction, such that the cost of management is not incurred too far in advance of the extraction program. This ensures that, should quarry operations be halted for any reason that the Council are not required to manage an offset site where the impact would no longer occur (or has been drastically reduced).

The following table estimates the areas of extraction and offset management over the life of the quarry in 5 year brackets. Extractions areas (S1 to S5) and corresponding offset management areas (O1 to O5) are also shown on Figure 4. This is subject to change and should be updated periodically to reflect existing site conditions. The important parameter is that the percentage of the total under management must be kept equivalent or higher than the percentage of extraction undertaken at any point. This issue would be best addressed as an annual audit item, in the management of the quarry.

Table 5. Extraction versus offset management

Years	Extraction areas			Offset management areas		
	ID	Area (ha)	% of total	ID	Area (ha)	% of total
0-5	S1	2.55	18%	O1a and b	9.44	18%
6-10	S2	1.44	10%	O2	5.33	10%
11-15	S3	1.88	14%	O3	6.96	14%
16-20	S4	4.06	29%	O4	15.03	29%
21-25	S5	3.87	28%	O5	14.33	28%
Totals		13.8	100%		51.10	100%

Appendix D – XIV (EIS Upper Bunyan Gravel Pit 2015)

D.5 CONCLUSION AND RECOMMENDATIONS

The potential offset site credits are surplus to those required to offset the clearing proposed at the development site.

Consultation with OEH has been undertaken to reduce the extraction footprint and to allow some areas of African lovegrass to be managed for improvement.

While the offset site must be secured before extraction, management actions would be implemented in stages, tied to the areas of extraction. A CPVP is proposed as the management vehicle.

The surplus credit requirement could be used for other projects.

A detailed offset package, including a plan of management (and demonstration that funding for management will be available to manage the site in accordance with the plan of management) would be required, prior to impacts occurring.

Appendix D – XVIII (EIS Upper Bunyan Gravel Pit 2015)

Consent condition 6 *'Grazing must be excluded from the offset area at all times whilst canopy species are regenerating'.*

The Works Department is seeking the **re-wording** of this consent condition. *'Grazing must be excluded from offset sites 1a and 1b at all times whilst plantings are establishing'.*

- Refer map page 5 and management activities for Offset site on page 6.
- The Monaro has a harsh climate with long cold winters, severe frosts and winds; add to this the Monaro sits within a rain shadow meaning low rainfall. As a result plantings of any kind (exotic or native) are slow growing. This consent condition would mean exclusion of stock for at least 10 years;
- One of the submissions regarding the DA was from the current lease who objected to not being able to continue his lease. Councils preferred option would be to continue the grazing lease;
- Grazing management is an integral part of the Conservation Property Vegetation Plan (CPVP). Crash grazing to reduce the biomass of African lovegrass has been shown to benefit the establishment of native herbs, forbes and grasses.



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|---------------------------|---|
| Property boundary | Vegetation types |
| Proposed extraction areas | Disturbed |
| Offset area | Exotic grassland (African Lovegrass) |
| Offset zones | Ribbon Gum - Snow Gum grassy open forest - grassy - low |
| | Ribbon Gum - Snow Gum grassy open forest - grassy - moderate to good |
| | Ribbon Gum - Snow Gum grassy open forest - shrubby - moderate to good |

0 50 100 200 Metres

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Table 6: Key management actions for offset management areas

Offset Management Area	Key Management Actions
O1a	<p>Create a vegetation screen to the highway:</p> <ul style="list-style-type: none"> • Prepare site and rip, boom spray and fencing to protect planting from stock • Planting to be done in stages, to ensure protection afforded to new plantings: <ul style="list-style-type: none"> ◦ Fast growing species such as wattle. ◦ Planting of overstorey species when protection established by wattles (areas with less than 5% canopy cover). Key eucalypt species would be trees appropriate to the Snow gum woodland vegetation type • Control of Serrated Tussock, St Johns Wort, Scotch Thistle, Briar Rose so plantings and native regeneration is not impeded. • African Lovegrass control would only be undertaken as spot spraying around new plantings with the objective of not impeding plantings
O1b	<ul style="list-style-type: none"> • Planting of native shrubs in the area of existing overstorey canopy in the south of the site. Species include Bursaria, Silver Wattle and Australian Blackwood. • Control of Serrated Tussock, St Johns Wort, Scotch Thistle, Briar Rose so plantings and natural regeneration is not impeded. • African Lovegrass control would only be undertaken in respect of not impeding plantings and native tree regeneration.
O2	<ul style="list-style-type: none"> • Protect natural regeneration of Bursaria and eucalypt seedlings • Control of Serrated Tussock, St Johns Wort, Scotch Thistle, Briar Rose so native regeneration is not impeded. • No control of African Lovegrass proposed. • Grazing to reduce biomass may be undertaken within clear limits with the objective of biodiversity management.
O3	<ul style="list-style-type: none"> • Protect natural regeneration of Bursaria and eucalypt seedlings • Control of Serrated Tussock, St Johns Wort, Scotch Thistle, Briar Rose so natural regeneration is not impeded. • No control of African Lovegrass proposed. • Grazing to reduce biomass may be undertaken within clear limits with the objective of biodiversity management.

Offset Management Area	Key Management Actions
04	<ul style="list-style-type: none"> • Protect natural regeneration of Bursaria and eucalypt seedlings • Control of Serrated Tussock, St Johns Wort, Scotch Thistle, Briar Rose so natural regeneration is not impeded. • No control of African Lovegrass proposed. • Grazing to reduce biomass may be undertaken within clear limits with the objective of biodiversity management.
05	<ul style="list-style-type: none"> • Protect natural regeneration of Bursaria and eucalypt seedlings • Control of Serrated Tussock, St Johns Wort, Scotch Thistle, Briar Rose so natural regeneration is not impeded. • No control of African Lovegrass proposed. • Grazing to reduce biomass may be undertaken within clear limits with the objective of biodiversity management.

Consent condition 14 *'Extraction of materials from the site is limited to a total of twenty-five (25) days in any one calendar year'.*

The Works Department is seeking the **deletion** of this consent condition for the following reasons:

- Council works staff need the freedom to enter the site to extract stockpiled material when the need arises. Often small jobs require for example, 3 tonne of screened material and staff needs to be able to access this material without restrictions.
- The entrance road to the site will be upgraded as per RMS requirements so safety should not be compromised by trucks entering and leaving the site.

Consent condition 20 *'The '50 metre tree buffer', shown in Figure 2-3 of the approved EIS is to be extended along the full length of the northern and western boundary of the site. A one (1) metre high eastern mound is to be constructed adjacent to the boundary of the site within the '50 metre tree buffer' area. Plans of the modified '50 metre tree buffer' area and mound are to be provided within the required Biodiversity Offset and Rehabilitation Plans. The establishment of the '50 metre tree buffer' area is to be completed prior to any extractive industry works occurring at the site'.*

The Works Department is seeking a **deletion** of this Consent Condition for the following reasons:

- BioBanking calculator used to calculate Offset areas and is compliant with the *Native Vegetation Act 2003 (now repealed)*;
- Vegetation community on northern and western boundaries would have been Natural Temperate Grasslands not Grassy Woodlands;
- The Office of Environment and Heritage do not support the planting of canopy species in what would have been Natural Temperate Grassland; and

Preferred Option

Council will undertake further canopy and understorey planting north of the existing gravel pit. There are existing mature trees in this locality indicating this would have been Tablelands Snow Gum Grassy Woodland. Staff from the Office of Environment and Heritage (OEH) has been onsite and are in full support of this option. Refer Attachment A, letter of support from Office Of Environment and Heritage (OEH).

Council would establish an earth bund around the existing Gravel Pit site to offer visual screening of the extractive industry. Fast growing understory native plants (*Acacia* species) could be planted at the base of the bund.

Consent Condition 25 (d) *'The draft Property Vegetation Plan is to be made available for public comment prior to adoption by the Local Land Services. Implementation of the PVP and restoration of the EED Ribbon Gum, Snow Gum grassy open forest is to commence prior to commencement of works.'*

The Works Department is seeking the **deletion** of this consent condition for the following reasons:

- During the development of a PVP, there is no public consultation phase; the agreement is between the landholder and the LLS.
- Putting the document out for public comment would imply LLS are the enforcing agency of the PVP when are in fact the developer of the agreement.

Preferred Option

Council is prepared to send out the agreed 'management actions and detail' to those person/s who made public submissions to the Development, the cover page and so on would not be sent out with the management actions. That person/s could contact Councils Environmental Technical Officer if they required further clarification.

Given this is a private agreement and the fact there is no legal requirement for general public comment, Council can see no justification for this Consent Condition.

The Works Department is also seeking an extension of time beyond 5 year consent. The Works Department has been unable to proceed with any activities as the initial DA Modification submission was not responded to until February 2018.

The preparation of an EIS was at considerable cost to council, the decision to pursue this avenue was based on the assumption Council would have a long term resource to extract gravel from.

Map 1: OEH's recommended planting areas for stage 1 and 2





- Notes:
- Base map courtesy of Gooma Shire Council, received 2014
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|---|---|
| <ul style="list-style-type: none"> Property boundary Proposed extraction areas Offset area Offset zones | <p>Vegetation types</p> <ul style="list-style-type: none"> Disturbed Exotic grassland (African Lovegrass) Ribbon Gum - Snow Gum grassy open forest - grassy - low Ribbon Gum - Snow Gum grassy open forest - grassy - moderate to good Ribbon Gum - Snow Gum grassy open forest - shrubby - moderate to good |
|---|---|

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BUNYAN TOP PIT (exerts from EIS prepared by ngh environmental)



Figure 4 Planned stages of proposed gravel pit expansion and offset management zones for management