



Office of
Environment
& Heritage

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Ms Linda Davis
Acting General Manager, Southern Region
Department of Planning & Environment
via email: graham.judge@planning.nsw.gov.au

Attention: Mr Graham Judge

Dear Ms Davis,

Additional Information for Pre-Gateway Review - PGR_2015_Quean_001_00 3R Kavanagh Street, Jerrabomberra (North Terrace)

I refer to your letter dated 28 June 2016 inviting the Office of Environment and Heritage (OEH) to provide comments on the additional information submitted for the above pre-gateway proposal. An updated ecological and bushfire assessment report been submitted by the applicant.

On the basis of the information submitted to date, OEH continue to maintain our objection as outlined in our letter of 16 November 2015 on the proposal.

The proposal is still considered to be inconsistent with both the relevant planning criteria for rezonings in the Ministerial s117 Directions and the Sydney – Canberra Corridor Regional Strategy for consideration of environmental matters. Importantly:

- The information provided in the updated report and site inspection confirms the vegetation is of moderate condition. Therefore, the land meets the high conservation values criteria adopted for planning proposals being vegetation of moderate to good condition in an over cleared landscape.
- The proposal area is outside any local settlement strategy identifying future residential areas so the *Sustainability Criteria* of the regional strategy would apply. It has not been demonstrated the clearing of bushland in the proposed housing development area will achieve, maintain or improve outcomes for biodiversity values as required. Combined with the clearing for the additional bushfire protection APZ that would be necessary, the outcome as presented would appear to be a clear net loss.
- There is still insufficient assessment of the potential impacts on Aboriginal cultural heritage as no cultural heritage site surveys have been carried out.

No further information has been provided to adequately justify the proposal to reduce the area of E2 zone. The land is still part of a viable and well connected corridor of bushland habitat. The Mount Jerrabomberra bushland is an iconic feature of the Queanbeyan urban area. Already over 50% of the

bushland surrounding the mountain has been cleared for housing as part of the previous stages of the North Terrace and Mt Jerrabomberra subdivisions, no more should be lost.

These issues are discussed in greater detail in Attachments 1 and 2.

Should you require further information on the issues raised please contact Miles Boak, Senior Conservation Planning Officer, on 6229 7095 or via rog.southeast@environment.nsw.gov.au.

Yours sincerely



ALLISON TREWEEK 22/7/16.
Senior Team Leader, Planning
South East Region

Attachment 1

OEH comments on Biodiversity Issues on the North Terrace rezoning proposal

High Conservation Value (HCV) Vegetation

The remnant vegetation on site is an intact dry sclerophyll forest community dominated by *Eucalyptus macrohyncha* (Red Stringybark) and *E. polyanthemus* (Red Box) with a shrubby mid-story of *Kunzea ericoides*. It is in a medium condition, which is confirmed in both the Ecological North Terrace Ecological and Bushfire Assessment 2016, Queanbeyan LGA Biodiversity Study, (BES 2008) and an OEH site inspection.

This native vegetation occurs in the Canberra Plains Mitchell Landscape, which is considered an 'over-cleared' landscape. Any medium to high condition remnant on an over cleared Mitchell landscape is considered to be of HCV. The Queanbeyan Biodiversity Study Findings Report, dated July 2008, identified the HCV lands in the then Queanbeyan LGA for planning proposals on this basis. This process was endorsed by OEH at the time.

Throughout the State, regional conservation plans (RCP) at the moment provide a standard definition of HCV vegetation and the process to validate it for planning proposals. While a RCP has not been prepared for the tablelands in was adopted for the coastal part of the region. This is available at www.environment.nsw.gov.au/resources/biodiversity/101000scrcp.pdf. Page 44, Section 8, outlines the identification and verification rules for HCV in rezoning matters. Page 16, Section 5.3, describes the process for considering over cleared vegetation types.

The Draft South East and Tablelands Regional Plan currently on exhibition has adopted the same High Environmental Value criteria from the RCP Page 24 which includes over cleared landscapes.

It is noted that Ecological in their North Terrace Ecological and Bushfire Assessment 2016 report has provided their own definition of HCV. OEH has previously requested justification for the vegetation to be described as moderate vegetation and not high quality vegetation. It is not necessary for lands to have confirmed threatened species records to be considered as HCV as implied on Page 20 of the report.

S117 Directions and Sydney Canberra Corridor (SCC) Regional Strategy

The rezoning proposal is not considered to adequately meet the SCC Regional Strategy which is a 117s Direction for new planning proposals. The SCC Regional Strategy is quite clear in stating that:

"Councils will ensure new urban development and rural residential development is directed away from land assessed as being of high conservation value ..." (p.44).

The SCC Regional Strategy also identifies threshold criteria for any proposed development site outside the designated areas in the SCC Regional Strategy Appendix 1 Sustainability Criteria:

"Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DECC). This includes regionally significant vegetation communities, critical habitat, threatened species, population, ecological communities and their health." (P.54).

The proposal is outside any local settlement strategy identifying future residential areas so the Sustainability Criteria of the regional strategy would apply. It has not been demonstrated the clearing of proposed bushland in the housing development area will achieve, maintain and improve outcomes for biodiversity values as required. Combined with the clearing for the additional bushfire protection APZ of 20 to 39 metres wide into the adjoining E2 zone lands the outcome as presented would appear to be a clear net loss.

OEH recommends using the biobanking methodology, which can be found at the following website: www.environment.nsw.gov.au/resources/biobanking/140661BBAM.pdf, for this assessment as this provides for a reliable and transparent assessment of biodiversity values.

The Section 117 Directions 2.1 Environment Protection Zones require a relevant planning authority to consider the following:

- A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas, and
- A planning proposal that applies to land within an environment protection zone in a LEP must not reduce the environmental protection standards that apply to the land.

It is noted that under this direction, a Planning Authority may consider an inconsistent proposal if they satisfy the Department of Planning and Environment under the provisions of Clause 6.

The site has been identified as supporting HCV vegetation, and is currently zoned E2. The planning proposal is not considered minor. The proposal to allow residential size subdivision on 3 ha of land with lots down to 600m² min and 1000 m² average will result in a loss of almost all vegetation in this area coupled with a large APZ zone. It is noted that in the adjoining North Terrace previous stages the 600m² and 1000m² subdivision standards has meant only a few isolated trees have been retained. Even in the E4 zone 3000m² subdivision minimum area where a dwelling has been established little native vegetation is retained.

The proposal is not considered in any adopted local settlement strategy identifying future residential areas. It is not required to meet residential demand in Queanbeyan area. The draft Regional Plan suggests there is sufficient zoned residential land to meet demand over the next 20 years for area.

Councils have indicated that existing release areas have capacity for almost 18,000 new dwellings in places such as Googong, South Jerrabomberra, Yass, Murrumbateman and the cross-border development at Parkwood. Page 15

It is understood that one of the justifications for the removal of the E2 zone is that the environmental zone was only introduced in the Queanbeyan LEP in 2012. The land has been zoned various types of environmental conservation since 1991 and most recently prior to the 2012 LEP was zoned 7(b) Environmental Protection prohibiting dwellings. This is consistent with the other paper subdivisions lands of Queanbeyan Estates including Environa, Curtis and Jerrabomberra Estates, which this was part of, with lots not having dwelling entitlements since the introduction of planning controls.

Regional Biolink and Habitat Corridor Values.

The report continues to down play the areas important as a corridor. The proposal will significantly reduce the current north-south link which connects Mt Jerrabomberra with areas across South Bar Road into Bicentennial Park. Broad linkages like these are important movement areas for fauna, especially birds, allowing them to move to other areas of habitat and disperse after breeding. The proposal significantly reduces the width of this north-south link to an area of less than 30m in some places with little or no overstorey. OEH considers this will impact on the movement of species through the landscape.

The BES 2008 Report identifies this area as an important regional biolink. In particular it recognises the biolink as:

“The remnant vegetation along Barracks Creek linking the Queanbeyan Escarpment, Queanbeyan River corridor and contiguous vegetation to the south with remnant vegetation and associated habitats in the Mount Jerrabomberra and Jerrabomberra Creek corridor.”
(p.55)

The Mt Jerrabomberra Plan of Management 2004 (p.19) also identifies the importance of this area as a habitat corridor:

“Mount Jerrabomberra forms part of a bushland corridor that allows for the movement of birds, insects and larger mammals between nearby and adjacent natural areas. The main linkages include the narrow section of bushland between North Terrace and Jerrabomberra and between South Queanbeyan and Jerrabomberra”.

The Plan of Management considers the impacts of potential loss of connectivity and the need to consider strategies to mitigate the effects of habitat fragmentation.

Threatened species habitat

The BES 2008 study, which is an independent report commissioned by Council, describes this site as supporting ‘moderate to high’ fauna habitat qualities, noting that the study was undertaken by a qualified ecologist, and field validated for this parcel of land.

OEH has provided advice via email that further information regarding the impacts of this development on the threatened species habitat needs to be addressed. No further information on the impact on threatened species nor the habitat values the site provides has been included in the supplementary information recently submitted. There are several records of Speckled Warbler very close to the site and OEH considers the site would provide habitat for this species. However this species nor any of the other threatened woodland bird species are considered in the report.

Rosenbergs monitor should also be considered in more detail for this site, as it is connected to a large area of known habitat for this species. Both Rosenbergs Monitor and Speckled Warblers have been significantly impacted by developments in the locality and must therefore be considered in more detail.

OEH note the asset protection zones proposed on the eastern side are 39m wide and go within 10m of the known Hoary Sunray sites. OEH does not consider this to be appropriate as it may lead to the loss of the population of Hoary Sunray on the site. OEH consider at least a 20 metre, up to a 50 metre, buffer be placed around these individuals to ensure the long term impacts of the development are reduced. This is especially important considering that under the new 10-50 code the owners of the properties once developed will be able to clear up to 50m which will effectively destroy the population of hoary sunray.

Conservation Management Plan

OEH considers that the Conservation management plan may not deliver the required outcomes to adequately offset the development impact. There appears to be no clear mechanism to ensure long term management funding for the site to actively manage the site in perpetuity. Active management with in perpetuity on title protection is the preferred method of OEH to protect such areas, which is why Biobanking is the recommended method.

Attachment 2

OEH comments on Aboriginal Heritage Issues on the North Terrace rezoning proposal

OEH recommended in our letter dated 16 November 2015 that consideration be given to undertaking an archaeological assessment and consultation with the Aboriginal community early on in the planning process to identify what Aboriginal cultural heritage values may occur within the proposal area. Undertaking an assessment now will give more certainty to any future development applications and provide up front measures which could be taken to avoid or mitigate impacts if Aboriginal objects are located.

OEH notes that the proponents have chosen not to undertake any site survey and assessment at the rezoning stage. The nature, extent and significance of the potential Aboriginal Cultural Heritage matters therefore remains unknown. In the past OEH have advised proponents that there is no guarantee that OEH will issue an Aboriginal Heritage Impact Permit (AHIP) once a development application for the residential development is lodged if objects are encountered after development consent has been granted.

We reiterate our recommendation that the archaeological assessment and consultation with the Aboriginal community is undertaken now, at the rezoning stage.

