



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,

**Request for Pre-Gateway Review - PGR_2015_Quean_001_00 3R Kavanagh Street
Jerrabomberra (North Terrace)**

I refer to your letter dated 26 October 2015 inviting the Office of Environment and Heritage (OEH) to provide comments on the above pre-gateway proposal.

OEH objects to the proposal, as there is insufficient assessment of the potential impacts on biodiversity and Aboriginal cultural heritage. In particular the proposal does not adequately consider the following:

- Areas mapped as high conservation value vegetation.
- Threatened species habitat
- Habitat corridor and regional bio link values
- Sydney Canberra Corridor Regional Strategy
- 117 Directions - 2.1 Environment Protection Zones and
- Aboriginal cultural heritage values

These issues are discussed in detail in Attachment 1.

Should you wish to discuss these matters, please contact Amanda Sullivan, Conservation Planning Officer on 6229 7093 (Mon-Thur), or by email on amanda.sullivan@environment.nsw.gov.au

Yours sincerely



16/11/15

ALLISON TREWEEK
Senior Team Leader Planning
South East Region

Contact officer: AMANDA SULLIVAN
6229 7093 (Mon-Thur)

Attachment 1

OEH comments on the North Terrace rezoning proposal

High Conservation Value (HCV) Vegetation

The native vegetation on site is mapped as high conservation value on the Terrestrial Biodiversity Map in the *Queanbeyan Local Environmental Plan 2012*, and is therefore subject to the provisions in clause 7.3 of the LEP. This value has been verified in both the Queanbeyan LGA Biodiversity Study, (BES 2008) and via an OEH site inspection.

Threatened species habitat

The rezoning proposal is not supported by sufficient information on the threatened species values of the site. The 'North Terrace Ecological and Bushfire Assessment Interim Report' (Ecological 2015), submitted by the proponent, lists 24 threatened species either as 'likely' or having the 'potential' to occur on site. OEH agrees that multiple threatened species may occur, for example on a single visit we recorded Hoary Sunray (*Leucochrysum albicans* var. *tricolor*), listed as Endangered and Rufous Fantail (*Rhipidura rufifrons*) listed as a Migratory Species on the commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Ecological's report was only based on a desktop assessment. The authors recommend that a site survey be undertaken by a suitable qualified ecologist. OEH concurs with this recommendation, but it is essential that the site survey is undertaken prior to decisions being made on the rezoning. We suggest that the survey is undertaken using the biobanking methodology¹ as this provides for a reliable and transparent assessment of biodiversity values. OEH is willing to provide advice on the survey requirements and impact assessment.

Regional Biolink and Habitat Corridor Values.

The corridor values of the site have not been adequately considered. Reference should be made to existing information, for example the BES 2008 Report which 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 Sydney Canberra Corridor (SCC) Regional Strategy

The rezoning proposal needs to provide further information on how it meets the SCC Regional Strategy. The SCC Regional Strategy states:

"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:

¹ <http://www.environment.nsw.gov.au/resources/biobanking/140661BBAM.pdf>

"Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DECC²). This includes regionally significant vegetation communities, critical habitat, threatened species, population, ecological communities and their health." (P.54)

As stated at the top of this attachment, the Queanbeyan LEP has mapped this area as HCV, the site provides threatened species habitat and is identified as a regionally significant biolink.

Section 117 Direction 2.1 Environment Protection Zones

Further information is required on how the proposal meets the requirements of Direction 2.1 given the site has been identified as supporting HCV vegetation, and is currently zoned E2. In particular Direction 2.1 requires the 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.

Aboriginal cultural heritage values

The planning proposal does not adequately consider Aboriginal cultural heritage values. The Heritage Conservation section in Table 4 (pages 29 and 30) of the Pre-Gateway Review Request (dated October 2015) states that the subject area is not "known to encompass any ... archaeology worthy of conservation" but provides no information as to how this was determined.

A number of Aboriginal objects have been recorded within the surrounding Jerrabomberra and Queanbeyan areas in previous archaeological surveys. More recently an archaeological survey has been commissioned by Queanbeyan City Council for the Mount Jerrabomberra Reserve which has recorded a number of new Aboriginal objects and sites. The Mount Jerrabomberra Plan of Management (March 2004) also identifies an historical reference recording the "Jerrabomberra" area as a place of significance to the Ngunnawal people. As such, OEH advise that there is potential for Aboriginal objects and other cultural values to occur within the proposed rezoning area.

OEH recommends that an archaeological assessment and consultation with the Aboriginal community be undertaken 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.

The following documents should therefore be reviewed as part of the assessment for the planning proposal so as to provide adequate background to the consideration of Aboriginal cultural heritage impacts:

- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010). <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010) - <http://www.environment.nsw.gov.au/licences/consultation.htm>.
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) - <http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf>.

² DECC is now OEH

