

# CODE OF PRACTICE



EUROBODALLA SHIRE COUNCIL

## CODE TITLE CONSERVATION OF THE YELLOW BELLIED GLIDER IN THE BROULEE AREA

**Reason for Code:** This Code of Practice accompanies the Policy that was developed in conjunction with the National Parks and Wildlife Service, is

- (a) define development or activities that will not significantly impact on the Yellow-bellied Glider or its habitat;
- (b) to ensure the long-term persistence of Yellow-bellied Gliders within the Broulee Area through retention of suitable habitat and other development controls; and
- (c) to provide a platform for a similar approach to the entire Coastal Plains of Eurobodalla Shire.

The policy does not substitute the need for an 8 part test for significant impact on threatened species, populations or ecological communities, or their habitats to be carried out under the *Environmental Planning and Assessment Act 1979*. However, if development or activities in the Broulee area take place according to the policy, application of the 8 part test for the Yellow-bellied Glider will conclude that a significant impact will be unlikely and therefore a Species Impact Statement will not be required. When other areas of the Coastal Plains are assessed, a similar process will apply.

The policy does not consider the impact of development or activities on other listed Threatened Species

**Introduction:** The objectives of the Policy are to:

- (a) Ensure the long-term persistence of Yellow-bellied Gliders within the Broulee Area, through retention of suitable habitat and other development controls as appropriate;
- (b) Make landowners aware of the existence of Yellow-bellied Gliders and their habitat;
- (c) Provide certainty with regard to future development proposals within the Broulee Area in relation to potential conflict with the ongoing conservation of the Yellow-bellied Glider.
- (d) Allow consent and concurrence authorities to make a more informed decision with regard to developments and activities that impact upon the habitat of the Yellow-bellied Glider.
- (e) Reduce cost to the landholder and the development industry within the Broulee Area by reducing the frequency that Species Impact Statements are produced in those instances where the development potentially impacts upon the habitat of the Yellow-bellied Glider.

Responsible Officer:	Director, Strategic Development and Environmental Services				
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## Code of Practice details:

### Application

This Code of Practice applies to all land within the Broulee area, comprising land bordered by the Pacific Ocean to the east, the Tomaga River to the north, the Moruya River to the south and a line 1km parallel to the west of the Princes Highway. This area is outlined in Map 1 of this policy. In the absence of a Shire wide “Policy for the conservation of the Yellow-bellied Glider on the Coastal Plains of the Eurobodalla”, this Code of Practice will be utilised by Council officers to assist in assessing development applications and proposed activities for land on the Coastal Plains of Eurobodalla Shire containing suitable Yellow-bellied Glider habitat.

Consent or approval from Council for development / activity on land to which this Code of Practice applies will only be given for development / activity that is in accordance with this policy unless it can be demonstrated that the development / activity proposed that is not in accordance with this Code of Practice will not significantly impact upon Yellow-bellied Gliders or their habitat.

The Policy and Code of Practice does not alter the requirement for carrying out threatened species assessment under the *Environmental Planning and Assessment Act, 1979*.

1. The Conservation of the Yellow Bellied Glider Policy applies to all land within the Broulee Area, comprising land bordered by the Pacific Ocean to the east, the Tomaga River to the north, the Moruya River to the south and a line 1km parallel to the west of the Princes Highway. This area is outlined in Map 1 attached to this Code of Practice.
2. Consent or approval from Council for development / activity on land to which this policy applies will only be given for development / activity that is in accordance with this policy unless it can be demonstrated that the development / activity proposed that is not in accordance with this policy will not significantly impact upon Yellow-bellied Gliders or their habitat. It should be noted that clearing of less than 2 hectares on land covered by the Eurobodalla Rural Local Environmental Plan (1987) within this area requires the development consent of Council. Clearing of greater than 2 hectares requires the consent of the NSW Department of Land and Water Conservation.
3. In the absence of a Shire wide “Policy for the conservation of the Yellow-bellied Glider on the Coastal Plains of the Eurobodalla”, the principles detailed in this Code of Practice will be utilised by Council officers to assist in assessing development applications and proposed activities for land on the Coastal Plains of Eurobodalla Shire containing suitable Yellow-bellied Glider habitat.
4. The following minimum standards apply to any development or activity occurring on land within the Broulee Area unless otherwise specified in a later clause:

Minimum standards for development or activities that lead to land clearing on land containing suitable habitat for the Yellow-bellied Glider are to apply. These minimum standards are:

- (a) Retention of all sap-trees, (which are to be identified in the development application or review of environmental factors);
- (b) Retention of all large hollow-bearing trees, (which are to be identified in the development application or review of environmental factors), except where it can be demonstrated that Yellow-bellied Gliders do not utilise the hollow-bearing tree;
- (c) Clearing of vegetation around these retained habitat elements must not inhibit access of Yellow-bellied Gliders to these resources; and
- (d) Retained vegetation must be configured to allow movement of individual Yellow-bellied Gliders across the property and onto suitable habitat on adjoining properties.

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5. When the 8 part test of significance is applied to development or activities that adhere to these minimum standards, a significant impact on the Yellow-bellied Glider or its habitat will be unlikely to occur.
6. When the 8 part test of significance is applied to any development or activity that leads to land clearing on land containing suitable habitat for the Yellow-bellied Glider outside of the minimum standards defined in clause 4, a significant impact on the Yellow-bellied Glider or its habitat could occur. Such development or activity will therefore require further information to enable the assessment of the impact on Yellow-bellied Gliders.
7. Any future subdivision within the Broulee area is to have regard to the Conservation of the Yellow Bellied Glider Policy. Subdivision must allow the minimum standards in clause 4 to be realised when the subdivision attains its maximum development potential. When the 8 part test of significance is applied to subdivision that is proposed in accordance with this clause a significant impact on the Yellow-bellied Glider will be unlikely to occur. When the 8 part test of significance is applied to subdivision that is proposed that is not in accordance with this clause, a significant impact on the Yellow-bellied Glider could occur. Such subdivision will therefore require further information to enable the assessment of the impact on Yellow-bellied Gliders.
8. All land within 40 metres immediately east of George Bass Drive from Train street in the north to Broulee road in the south; and all land within 40 metres immediately north of Broulee road from George Bass Drive in the west to the boundary of Lot 3 Deposited Plan 633700 in the east (as outlined in Map 2) is a retained habitat area for the Yellow-bellied Glider where no development / activity / or clearing is to take place.
9. All land outside of this retained habitat area to the east of George Bass Drive outlined in clause 8 can be developed / cleared without significantly impacting upon the local population of the Yellow-bellied Glider in the Broulee Study Area.

Where possible, development leading to land clearing according to this clause will seek to retain habitat elements such as large hollow-bearing trees, sap trees and tree canopy cover.

10. Small multi-aged forest patches ( $\leq 16$  hectares) (as identified on maps held in the offices of Eurobodalla Shire Council) must not be cleared unless it is demonstrated that the multi-aged forest patch is not within the territory of a family group of Yellow-bellied Gliders. In small multi-aged forest patches that are not within the territory of a family group of Yellow-bellied Gliders, minimum standards of clause 3 apply.

Minimal lineal clearing for access and/or utilities in these multi-aged forest patches is permitted where no practicable alternative exists. Such clearing is to be configured to minimise the loss of large hollow-bearing trees or sap trees.

11. A total of 60% of large multi-aged forest patches (as identified on maps held in the offices of Eurobodalla Shire Council) on any given property must be retained. The minimum standards of clause 4 apply to the remaining 40% of the multi-aged forest patch.

Land clearing ancillary to agriculture is permitted within this 40% providing it satisfies the minimum standards of clause 4.

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12. A total of 50 % of other suitable habitat on any given property must be retained. The minimum standards of clause 4 apply to the remaining 50% of other suitable habitat.

Land clearing ancillary to agriculture is permitted within this 50% providing it satisfies the minimum standards of clause 4.

13. The adopted Conservation of the Yellow Bellied Glider Policy be noted on section 149 certificates on land subject to this policy.

14. This policy may only be modified by agreement between Eurobodalla Shire Council and the Director Southern, NSW National Parks and Wildlife Service.

### Definitions

*Large Hollow-bearing tree* means any tree greater than 50 cm in diameter at breast height containing cavities in either branches or main stem. A hollow-bearing tree may be either dead or alive.

*Minimum standards* mean the minimum development or activity design that will not lead to a significant impact upon the Yellow-bellied Glider or its habitat.

*Multi-aged forest patch* means a patch of habitat containing significant elements of late mature / senescent trees and habitat features such as large hollow bearing trees and sap trees as identified on maps held in the offices of Eurobodalla Shire Council.

*Sap tree* means tree with evidence of distinctive 'v-notching' pattern on either branches or main stem. Such 'v-notches' are made by Yellow-bellied Gliders to collect sap upon which they feed.

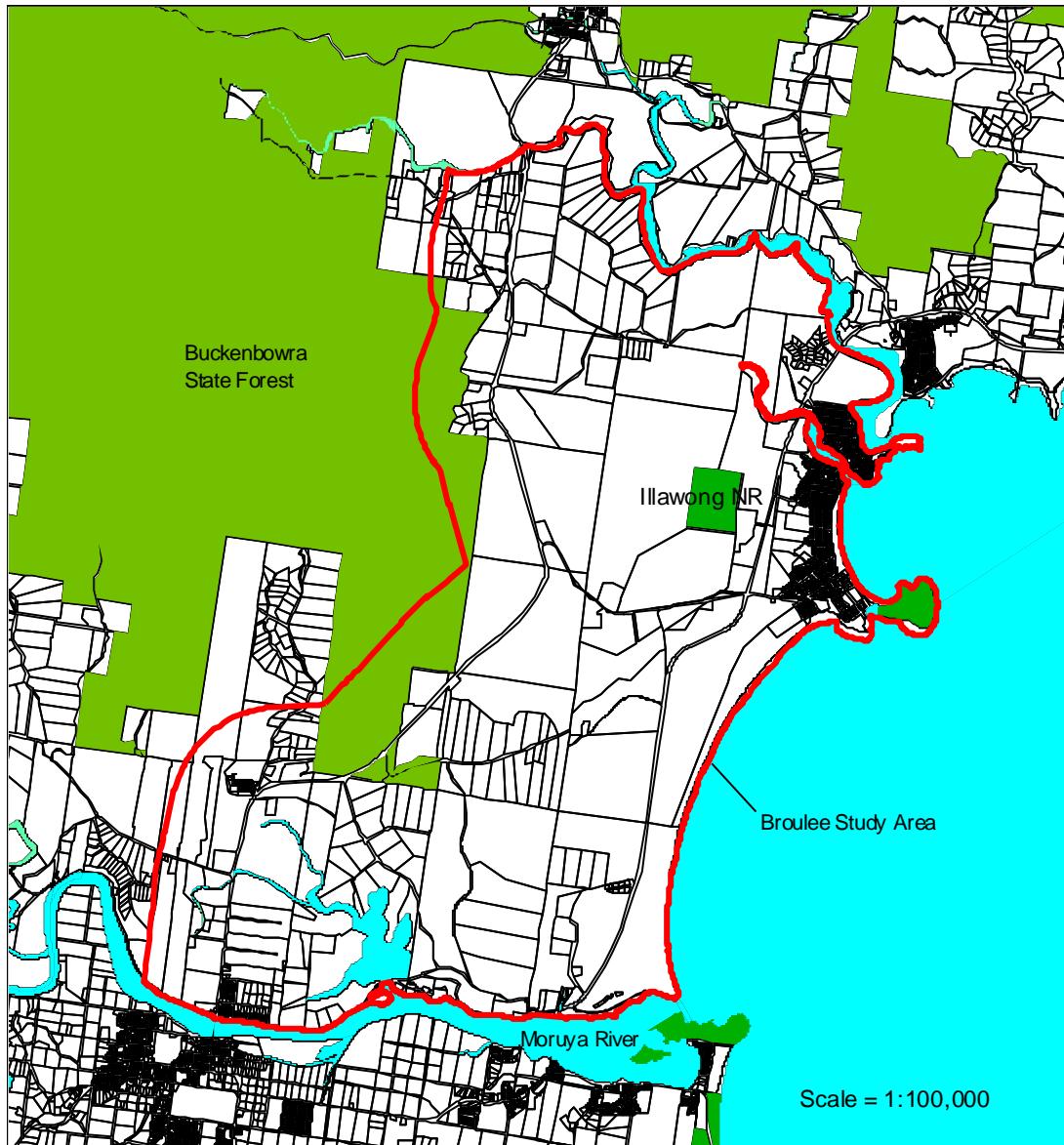
*Significant Impact* means that following application of the 8 part test of significance, it is concluded that a development or activity will have a significant impact on threatened species, populations or ecological communities, or their habitat (see Section 5A of the *Environmental Planning and Assessment Act 1979*). If a significant impact is deemed to occur, a Species Impact Statement is required and the concurrence of the Director General of National Parks and Wildlife, or consultation with the Minister for the Environment is required.

*Suitable habitat* means areas of land that contain vegetation communities suitable for the Yellow-bellied Glider as identified on maps held in the offices of Eurobodalla Shire Council.

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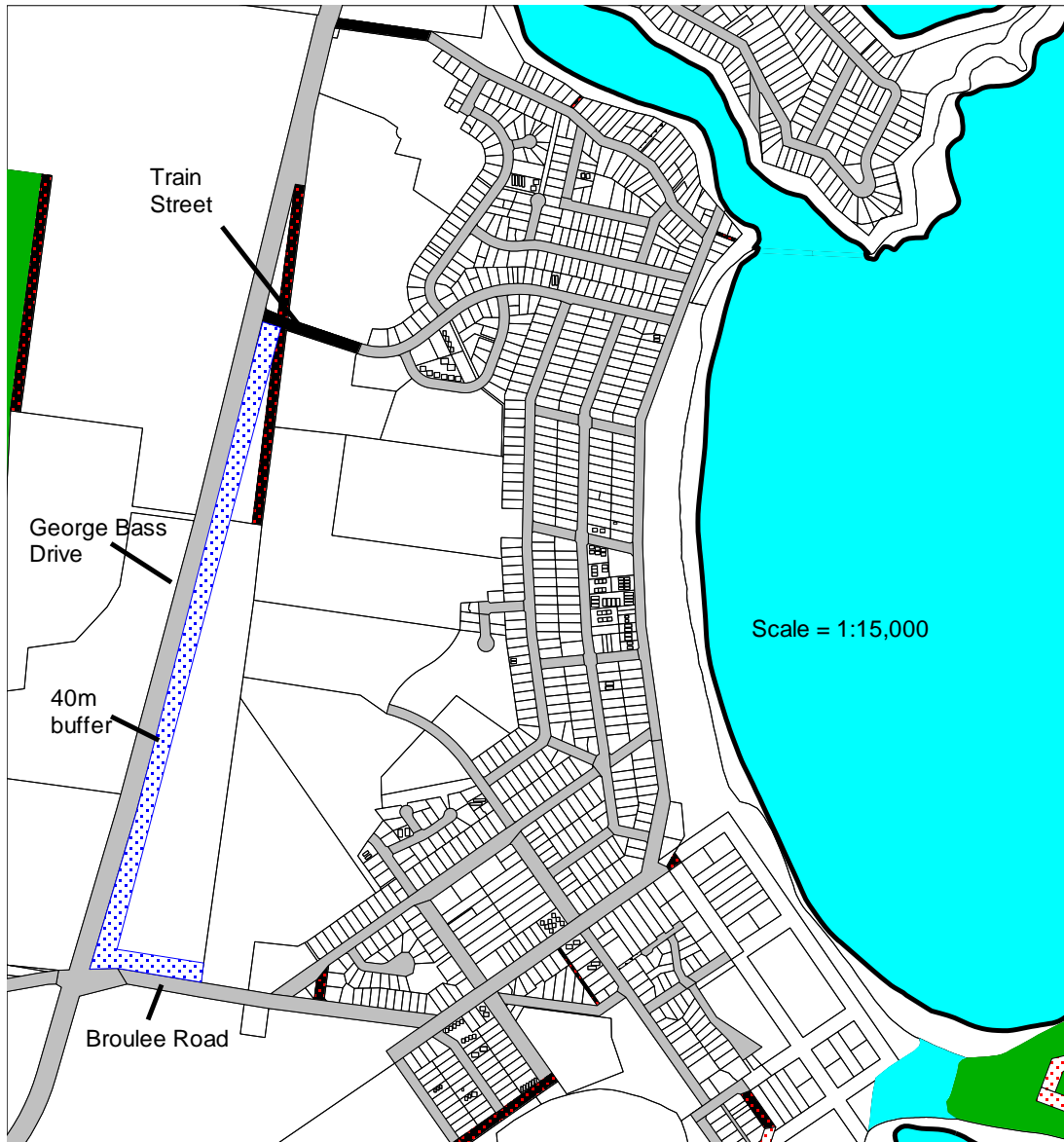
**Map 1: The Broulee Area**



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**Map 2: 40 metre Buffer Zone**



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