

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1464
Date:	10/09/2021
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 1 DP 1220196 , 4 - 10 Inman Road CROMER NSW 2099

Reasons for referral

This application seeks consent development on land, or within 40m of land, containing:

- All Development Applications on
- Actual or potential threatened species, populations, ecological communities, or their habitats;
- Wildlife corridors;
- Vegetation query stipulating that a Flora and Fauna Assessment is required;
- Vegetation query - X type located in both A & C Wards;

And as such, Council's Natural Environment Unit officers are required to consider the likely potential environmental impacts.

Officer comments

Entry to the NSW Biodiversity Offset Scheme (BOS) is triggered by developments that meet certain thresholds for significant impacts on biodiversity, including local development that triggers the BOS threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016*.

The area threshold varies depending on the minimum lot size. The minimum lot size associated with the property is <1 hectare, and the threshold for native vegetation clearing, above which the BAM and offsets scheme applies, is 0.25 ha or more.

As set out in section 7.1(3) of the Biodiversity Conservation Regulation 2017, if proposed development is or involves the subdivision of land, the subdivision is taken to involve the clearing of native vegetation that, in the opinion of the relevant consent authority or other planning approval body, is required or likely to be required for the purposes for which the land is to be subdivided. Once that clearing has been taken into account, the clearing for the purposes of the subsequent development of the land for which it was subdivided is not to be taken into account when determining whether the subsequent development exceeds the threshold.

Based on statements contained within the SEE, such as "The proposal seeks to segregate the Subject Site to facilitate land for the approved built-form and operations from non-developed area for the future development", in the opinion of Council that clearing likely to be required may exceed 0.25 hectares and therefore a Biodiversity Development Assessment Report (BDAR) may be required.

The applicant is to provide further evidence in relation to the BOS triggers, and submit a BDAR in accordance with the legislative requirements and the Biodiversity Assessment Method if required. It is noted that DA2019/1346 included a BDAR, and the consent for that development included a biodiversity offset credit obligation, and the relationship of the current application and the previous consent should also be provided.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.