

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	Mod2022/0289
<b>Date:</b>	02/11/2022
<b>Responsible Officer</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot 3 DP 805710 , 181 Forest Way BELROSE NSW 2085

### 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

The proposed modifications are largely internal with the exception of some changes to the car parking and car park access ramp and will therefore have limited additional environmental impact. The Landscape Referral has addressed the conflict of the modification in relation to the landscaped front setback as required as part of the existing consent.

However, the NSW RFS have re-issued the GTA's (29 September 2022) in relation to the modification application, which requires the entire property to be managed as an inner protection area (IPA), with the exception of the outer 30m APZ to the east which is to be managed as an outer protection area (OPA).

The IPA requirement from the RFS is in direct conflict with the existing development consent and the direct and indirect impacts impacts to biodiversity and the avoid/minimise/offset assessments of the previously approved Biodiversity Development Assessment Report (Cumberland Ecology 19/11/2019). The development application triggered the NSW Biodiversity Offset Scheme, and the consent included biodiversity credit obligations to address the residual impacts of the proposal. The assessment included methods to avoid and minimise impacts to biodiversity, including that the "Duffys Forest TEC, which occurs as a small patch in the northern portion of the subject land has been completely excluded from the development site. The patch of Duffys Forest will be fenced from the construction site to limit impacts, and will be managed under the BMP as a fully structured community, rather than being included in the APZ, in the long term.

As additional direct and indirect impacts to threatened ecological communities and threatened species and their habitats will result, a revised BDAR is required to be submitted. Alternatively, negotiation with the NSW RFS should be undertaken to discuss the retention and management of the Duffy Forest TEC vegetation on the northern boundary, the APZ extent and the bushfire management measures previously approved in the NSW Land and Environment Court .

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.