



Threatened Biodiversity Assessment

FACT SHEET

Required for an “activity” under Part 5 or a “development” under Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979

Council’s Strategic Plan Valley Vision 2020 adopted by Council in July 2008 reinforces the importance the community place on the Valleys natural assets, our water resources and biodiversity.

To ensure the objectives of Council’s Strategic Plan are being met development applications submitted under Part 4 of the EP&A Act 1979 must be supported by either a minor or major Statement of Environmental Effects that assesses the environmental impacts of the development proposal. The following requirements for biodiversity assessment also apply to activities in the preparation of a Review of Environmental Factors (REF) under Part 5 of the Act.

This Fact Sheet provides a very brief overview of the information and level of assessment required to determine whether a proposed development will impact on critical habitat and/or significantly effect threatened species, populations or ecological communities. The Department of Environment and Climate Change (DECC) “*Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*” (the Guidelines) have been adopted by Council’s Development Control Plans and are to be used by applicants to determine whether a development is likely to have impacts on threatened species and/or communities. The Guidelines are available on the internet at:

<http://www.environment.nsw.gov.au/surveys/BiodiversitySurveyGuidelinesDraft.htm>

and from DECC offices and must be consulted before any assessment is carried out.

Minor Development

If the subject site is small and disturbed, totally cleared of all native vegetation (including native trees, shrubs and grasses), and/or the proposed development is of a small scale (e.g. a shed or garage) then a conclusion of no likely impact may be reached. This conclusion must be strongly supported by photographic/written evidence as to the reasons for this conclusion. However, in most cases expect that full survey work under the DECC Guidelines will be necessary.

For proposals where a dwelling entitlement exists for a single dwelling, or a proposed attached dual occupancy, and where vegetation is required to be cleared/modified for bushfire asset protection zones, an assessment of the impacts of that clearing on native vegetation will still be required. As a general principle, Council’s approach is firstly, to locate the dwelling to comply with the NSW Rural Fire Service “Planning for Bushfire Protection Guidelines” 2006 and secondly, to avoid unnecessary clearing of native vegetation by increasing the building design standards of the dwelling/s in accordance with AS 3959 to Level 2 or 3 standard. Please consult Council during the planning stages on the level of biodiversity assessment required in these cases.

Pre-emptive Clearing

A site that has been degraded or pre-cleared without consent under the Native Vegetation Act 2003 prior to a proposed Development Application, assessment and lodgment, will be investigated for unauthorized works under the EP&A Act 1979 and the Native Vegetation Act 2003. Matters may be referred to DECC or the Commonwealth (under the EPBC Act 1999) for further investigation if necessary.

Assessment of Significance

The DECC Guidelines advise on the minimal standards and criteria necessary to most accurately determine whether threatened species or communities are present, or likely to occur, on the site. The following approach generally applies:

- Aerial photograph/topographic map interpretation to determine the extent of the study site. Note: This may extend beyond the boundaries of the proposed development site as communities/ corridors

may extend into neighbouring properties and reserves.

- Carry out a site inspection to determine the presence and diversity of habitat types on the study site.
- Undertake a desktop search of all known threatened species within the vicinity of the development (usually within 10km) using recognized databases (e.g. Atlas of NSW Wildlife). The scope of the search will vary depending availability of information near the development.
- A full field investigation must be carried out in accordance with the requirements set out in the DECC Guidelines including targeting potentially present threatened species, vegetation communities and habitats on the subject site (Chapter 5). If there is any question to the degree of works required, contact Council's Environment and Open Spaces Section.
- The findings are used to inform the assessment of significance heads of consideration. Both the **Assessment of Significance and raw study data** are submitted to Council for assessment.

Council requires hard data and a full description of the physical biodiversity and natural environmental values under review or likely to be potentially affected by a development proposal. This information may include, but may not necessarily be limited to, (refer to DECC Guidelines) the following:

- Air photo imagery and maps of length/size and GPS mapped location of fauna and flora transects or quadrats surveyed in each vegetation community or habitat.
- Raw lists of flora and fauna and communities, abundance and diversity recorded from the site over a period of time using survey methods such as call play back, Elliot traps, harp traps (bats), and pitfall traps. Spotlighting for nocturnal species and inspections for early morning diurnal species (i.e. birds) and incidental observations over time. All records are to be provided with weather, times of survey and effort, season, seasonal assessment in some cases number of calls recorded for each species, trapped/species caught or sighted, mapped and GPS location of where the survey and trap location work was undertaken and for how long.
- Other information may be required by Council in respect to the nature of the site and complexity and impact of the proposal.

In addition to the above matters (and for Species Impact Statements – refer below) the following requirements are to be submitted to ensure all available information is recorded on the Atlas of NSW Wildlife:

- Formal qualifications and experience of the assessor/ecologist to conduct fauna and flora surveys.
- Current license permits and authorities to conduct field work, including a scientific license issued under s132C of the National Parks and Wildlife Act 1974 (NP&W, Act).
- An "Animal Research Authority" under the Animal Research Act 1985 (AR Act) and the NSW Animal Research Regulation 1995 administered by NSW Department of Primary Industries.

The assessor/ecologist has a responsibility to inform the developer of the findings of the **Assessment of Significance** and make recommendations regarding the environmental impacts and how they may be mitigated. This may involve a total redesign of the development proposal and/or the preparation of an environmental management plan to ensure that the development will not have an adverse environmental impact.

Council has discretionary power to accept or reject submitted assessments. Council may request more information or deem that the information submitted is not of a standard to enable conclusions about the likely impacts of the proposed development on the environment to be reached. In those cases Council will either request that further studies are undertaken or may refuse the application.

Where land is determined to be part of a critical habitat, as specified by the TSC Act or development is deemed to significantly affect threatened species, populations, or ecological communities, or their habitats a Species Impact Statement (SIS) is required. An SIS must be prepared by a suitably qualified person as described by the Guidelines.

For further information on threatened biodiversity assessment please contact Council's planners or ecologist in the Environment and Economic Group between 8.30am – 11.00am on 6643 0200.