



Your ref: SSD-82066472
Our ref: DOC26/232862-8

Stephanie Wood
Planning Officer Assessments
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124
Dear Ms Wood

Subject: Sanderling Avenue Residential Flat Buildings Environmental Impact Statement (SSD-82066472) (Mid-Coast)

Thank you for your referral in the NSW Major Project Portal dated 28 April 2026 seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW). This advice relates to flooding, waterway health and biodiversity matters for the Environmental Impact Statement (EIS) for Sanderling Avenue Residential Flat Buildings.

We have reviewed the exhibited EIS against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department of Planning, Housing and Infrastructure (DPHI) to the proponent on 15 April 2025.

In preparing this advice, we have sought technical input on flooding and waterway health matters from the Marine, Coastal Estuaries and Flooding team (MCEF) within CPHR. MCEF has confirmed that the EIS meets the Secretary's requirements for flooding and waterway health and have no specific comments to raise.

However, the Conservation Planning and Assessments Branch considers that the EIS does **not** meet the Secretary's requirements for biodiversity matters. In summary, our key issues are as follows:

- The Biodiversity Development Assessment Report (BDAR) certification is invalid
- The impacts of the proposal, including its nature and extent, are inconsistent between the BDAR and EIS
- Plant Community Type (PCT) selection requires further justification
- The threatened species assessment requires revision
- Further detail on efforts to avoid and minimise biodiversity impacts is required, and
- Specific mitigation for the New Holland Mouse is required.

The above matters should be addressed via an updated BDAR during the Response to Submissions (RTS) phase. Our detailed comments are provided in **Attachment 1**.

If you have any further questions about this issue, please contact the Planning Coordination and Advice Team at pca@dcceew.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stacy Warren', with a stylized, cursive script.

Stacy Warren

**Senior Manager, Planning Co-ordination and Advice
Conservation Planning and Assessments
Conservation Programs, Heritage & Regulation Group (CPHR)**

1 June 2026

Attachment 1: Detailed Comments for Sanderling Avenue Residential Flat Buildings Environmental Impact Statement (SSD-82066472)

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Biodiversity

The BDAR prepared by Anderson Environment and Planning (AEP) dated January 2026 in Appendix 8 of the Environmental Impact Statement (EIS) **does not** meet the Secretary's requirements for biodiversity.

Specific comments on the BDAR and related sections in the EIS are as follows:

The BDAR certification does not meet the *Biodiversity Conservation Act 2016* requirements

Section 6.15(1) of the *Biodiversity Conservation Act 2016* (BC Act) requires that a BDAR and associated key data is certified and submitted within 14 days of the EIS submission. The currency of the BDAR, Biodiversity Assessment Method Calculator (BAM-C) and associated data is important to ensure the most relevant biodiversity updates have been included for the proposal.

The BDAR certification and associated BAM-Calculator case are dated 15 January 2026. The EIS is dated 17 March 2026 and was submitted in May 2026. As such, the current BDAR does not accord with s 6.15(1) of the BC Act.

Recommendation:

1. Re-certify the BDAR within 14 days of the credit calculations being finalised and the RTS being submitted.

The nature and extent of the proposal require clarification

The BDAR's description of the proposal's location is not consistent with figures within the BDAR nor the EIS. The BDAR describes the proposal's location as the entirety of Lot 1 DP 1234229. However, the BDAR figures show portions of the development footprint that extends beyond this Lot to the west and south. These areas extending outside the Lot are irregular in shape and it is unclear to CPHR what parts of the proposed development they represent. Notably, these extended areas impact upon some of the higher condition vegetation and habitat.

In addition, the EIS describes the proposal as including three components: the residential flat buildings, the golf club site and the road upgrade. However, the BDAR has only assessed impacts for the residential flat buildings. No explanation has been provided on why the other development components have not been included.

Recommendations:

2. Clarify the nature and extent of the proposal and ensure this is consistent between all assessment documents within the EIS.
3. Ensure that all development components required for the proposal have been fully assessed in the BDAR

PCT selection requires further justification

The assessment has identified two PCTs on the subject land, PCT 3544 and PCT 3555. The justification for the selection of PCT 3555 is based on the absence of specific canopy trees, particularly *Eucalyptus pilularis*. Further justification is needed to demonstrate why areas selected as PCT 3555 are not a modified form of PCT 3544 (i.e. where *Eucalyptus pilularis* has been reduced or removed).

Aerial imagery from 2010 shows relatively uniform vegetation across the site, prior to disturbance events including a fire (2010) and clearing in (2017) (**see Figures 1-3 below**). Data within the BDAR also identify *Eucalyptus pilularis* as present in the areas mapped as PCT 3555, including being listed as a dominant species in Table 6 of BDAR and within the Arborist Impact Assessment (AEP 2025).

CPHR recommend that a site visit may be the most efficient approach to resolve the PCT selection within the project area.

Recommendations:

4. Provide further justification for the selection of PCT 3555, or re-categorise areas of PCT 3555 to PCT 3544.
5. If this matter cannot be resolved via the additional detail provided, arrange a site visit with CPHR to verify PCT selection.

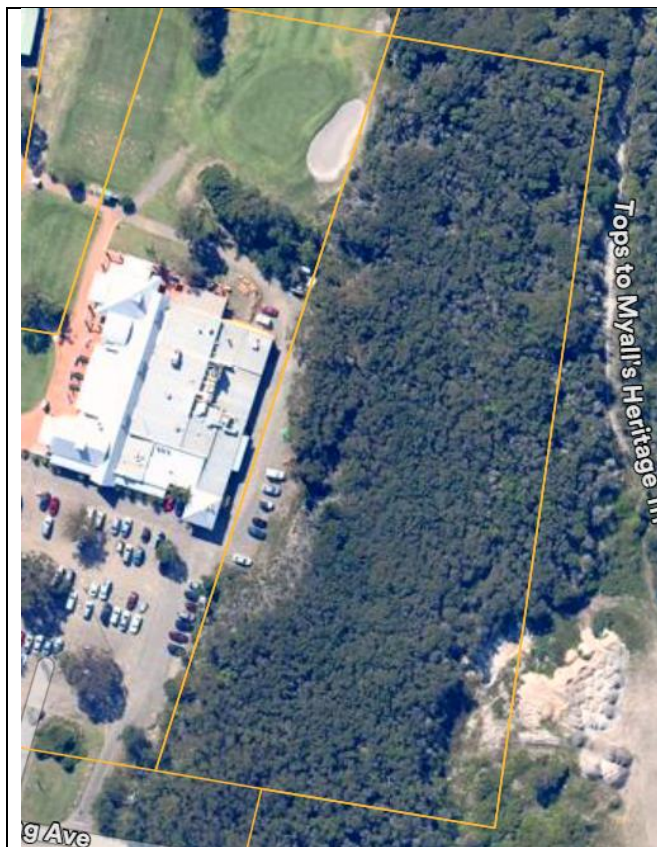


Figure 1: Nearmap imagery from May 2010 showing relatively uniform vegetation.



Figure 2: Nearmap imagery from November 2010 showing evidence of bushfire disturbance



Figure 3: Nearmap imagery from July 2017 showing evidence of recent clearing disturbance across much of the site.

Vegetation zones and condition descriptions require clarification to address inconsistencies

The condition descriptions of the two PCTs on site and the number and condition of associated vegetation zones are inconsistent and should be clarified throughout Section 1.4 of the BDAR. For example, PCT 3555 is described as:

- “*Poor- Canopy Only*” in Section 1.43,
- both “*moderate*” and “*good*” condition in Table 8
- “*moderate*” condition in Table 9.

Table 7 lists the area and vegetation integrity score for the “*good*” condition zone of PCT 3544, but the “*canopy only*” zone does not have corresponding details. The caption for Plate 2 in Table 7 describes the zone as severely degraded, while the rest of the section describes the zone as in good condition.

Recommendation:

6. Review and revise the vegetation zones and condition descriptions in the BDAR to ensure accuracy and consistency.

The threatened species assessment requires revision to include all candidate species and address minor errors

Genoplesium littorale (Tuncurry Midge Orchid) has not been added as a candidate species in the assessment, despite being associated with one of the PCTs on the site (PCT 3544) and being a candidate Serious and Irreversible Impact (SAIL) species. This does not accord with Section 5.2.1 (c) of the BAM 2020. In addition:

- Table 11 states that the White-bellied Sea-Eagle was not recorded on site, but the text below states the species was recorded in 2018.
- Table 16 does not include complete habitat descriptions for Beach Stone-curlew and White-bellied Sea-Eagle at the site.

Recommendations:

7. Revise the threatened species assessment to include Tuncurry Midge Orchid as a candidate species and complete the relevant steps to confirm the species presence.
8. Revise the BDAR to clarify that the White-bellied Sea-Eagle was recorded and update habitat details in Table 16.

Further detail on efforts to avoid and minimise biodiversity impacts is required

The BDARs description of measures undertaken by the proponent to avoid and minimise impacts on biodiversity values does not meet the requirements of Section 7 of the BAM 2020. Details of how biodiversity values influenced the design process, alternative sites considered within the locality and/or alternative locations/designs within the subject land have not been provided.

Table 17 of the BDAR also includes conflicting statements relating to measures undertaken to avoid and minimise impacts to biodiversity values, such as:

- *“Given the extent of native vegetation within the Study Area and size of the property, alterations to the development footprint as a result of biodiversity constraints have been **minimal**.”*
- *“The proposed design has considered the biodiversity value of the Study Area and used this to guide the design”.*

In addition to the above, Section 2.2 states that the native vegetation on site has been “*subject to significant disturbance - restricting the implications of its removal on the biodiversity value of the surrounding area*”. However, vegetation is otherwise described in the BDAR as in overall good condition, most of the site has a vegetation integrity score of >65 and is known habitat for threatened species such as New Holland Mouse.

The proposal does not demonstrate reasonable measures to avoid or minimise biodiversity impacts, impacting the entire lot and additional areas outside the lot containing good condition vegetation. The parts of the study area shown in the BDAR as being avoided are outside of the subject lot, zoned RE1 and the ownership of these areas is unclear. Evidence should be provided that the design has been made or altered to avoid areas of higher condition vegetation and threatened species habitat and/or to prioritise impacts within lower condition vegetation, cleared and/or exotic areas.

Recommendations:

9. The BDAR be revised to include a complete assessment of avoiding or minimising impacts on biodiversity values in accordance with Chapter 7 of the BAM.
10. Where further avoidance or minimisation is practicable, the proposed design be revised accordingly and changes documented in the BDAR.
11. Where avoidance or minimisation is demonstrated to be not feasible, provide clear evidence-based rationale (e.g. technical, safety, economic, or operational constraints) to justify the residual impact footprint.

Assessment of prescribed impacts requires further detail

Table 18 of the BDAR includes limited information on potential prescribed impacts relating to connectivity and road strike. The table refers to a speed limit on Bruce Crescent, which appears to be an error. Given the number of proposed dwellings, a significant increase in traffic along Sanderling Avenue has the potential to impact connectivity and lead to increased risk of vehicle strikes on fauna.

The Location Map in the BDAR does not show areas of connectivity (as per BAM s3.1.3(5)).

Recommendations:

12. Revise the prescribed impact assessment to include further details of potential impacts to threatened species and mitigation measures relating to connectivity and road strike.
13. Revise the Location Map to show connectivity of different areas of habitat

Specific mitigation measures for the New Holland Mouse should be proposed

Table 11 of the BDAR identifies that the New Holland Mouse was previously recorded within the site. This species is cryptic and lives in shallow burrows within loose sandy soil. As such, it is susceptible to injury or mortality from the ground disturbance caused by vegetation clearance machinery.

Given the species has been previously recorded within the site, additional specific measures should be proposed to minimise and mitigate potential impacts to this species during the construction phase of the project.

Recommendation:

14. Provide additional specific mitigation measures for the New Holland Mouse.