



Sally Munk
Principal Planning Officer
Department of Planning, Housing and Infrastructure
sally.munk@planning.nsw.gov.au

Dear Sally

Rushes Creek Poultry Farm – Modification 6

Thank you for your request via the NSW Planning Portal dated 3 June 2025 to the Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) regarding exhibition of Modification 6 of the Rushes Creek Poultry Farm.

We note that a Biodiversity Assessment Report (BAR) accompanies the Modification Report. It is stated that this BAR has been completed in accordance with the *Framework for Biodiversity Assessment (FBA)* and the *NSW Biodiversity Offsets Policy for Major Projects*. It is further stated that the BAR has been prepared to satisfy the Secretary's Environmental Assessment Requirements (SEARs) issued to inform the Environmental Impact Statement (EIS) accompanying the MOD 6 development application.

The *NSW Biodiversity Offsets Policy for Major Projects* is no longer in use and the Biodiversity Offsets Scheme transitional arrangements do not apply to this modification. The EIS should be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the *Biodiversity Conservation Act 2016 (BC Act)*, **not** a BAR prepared following the FBA.

The environmental assessment requirements issued 15 October 2024 require an assessment of the proposal's biodiversity impacts in accordance with the BC Act, including the preparation of a BDAR where required under the BC Act.

Section 7.17 of the BC Act states that a BDAR is required if a modification of a development consent will increase the impact on the biodiversity values. Table 24 of the BAR indicates that 1.9 hectares of White Box grassy woodland will be impacted by the modification, apparently increasing the project's impact on biodiversity values.

As the BAR does not comply with the BC Act, CPHR has not conducted a detailed review. We will review the BDAR for this project when it is available.

Recommendations

The Department of Planning, Housing and Infrastructure:

- Determine whether the modification will increase the project's impact on biodiversity values
- If the modification will increase biodiversity impacts, instruct the proponent that a BDAR be prepared that applies the Biodiversity Assessment Methodology 2020 in accordance with the *Biodiversity Conservation Act 2016*.

If you have any questions about this advice, please do not hesitate to contact David Geering, Senior Conservation Planning Officer, via david.geering@environment.nsw.gov.au or (02) 6885 0335.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Carr', written in a cursive style.

Sarah Carr
Director, North West
Conservation Programs, Heritage and Regulation Group

12 June 2025