



Our ref: DOC20/928713-14

Your ref: MP 05_0038 MOD 1

Lauren Saunders

Senior Planner, Regional Assessments
Department of Planning, Industry and Environment
lauren.saunders@planning.nsw.gov.au

Dear Ms Saunders

Major Project modification - Tinonee Residential Subdivision

I refer to your email dated 10 November 2020 requesting comment from Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment in relation to a modification application for the Tinonee Residential Subdivision (MP 05_0038 MOD 1) located at The Bucketts Way, Taree South (Lot 542 DP 1113791, Lot 156 DP 753202 and Lot 53 DP 836998) in the Mid-Coast local government area.

BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact me, on 4927 3140 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Cox', with a long horizontal stroke extending to the right.

4 December 2020

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

Major Project Modification – Tinonee Residential Subdivision

1. BCD recommends that a Biodiversity Development Assessment Report (BDAR) is prepared for the modification application to ensure additional impacts have been properly assessed and any required offset credits calculated.
2. The proponent should undertake a targeted survey for *Diuris flavescens* for the proposed modification or provide an expert report in accordance with 6.5.2 of the BAM. Alternatively, the species can be assumed present on the development lands only.

BCD's detailed comments

Major Project Modification – Tinonee Residential Subdivision

Biodiversity

1. A Biodiversity Development Assessment Report (BDAR) should be prepared and submitted by the proponent

The Tinonee residential subdivision modification application includes an Ecological Assessment for Subdivision Modification, prepared by Biodiversity Australia Pty Ltd and dated September 2020.

However, the Biodiversity Assessment Method (BAM) Operational Manual Stage 2 (DPIE 2019) states that a BDAR may be required to address additional impacts on biodiversity values from a modified project. It states the BDAR must describe measures taken to avoid, minimise or offset biodiversity impacts for the original development and must address newly proposed impacts.

In the case of the Tinonee modification application, there appears to be a significant increase in the level of impact being proposed under the modification. As such, it is important that a BDAR is prepared, with surveys undertaken in accordance with the BAM, to allow BCD to assess the proposal's adequacy under the *Biodiversity Conservation Act 2016*, including any additional offsetting credit requirements.

Recommendation 1

BCD recommends that a Biodiversity Development Assessment Report (BDAR) is prepared for the modification application to ensure additional impacts have been properly assessed and any required offset credits calculated.

2. A survey for Pale Yellow Doubletail orchid (*Diuris flavescens*) should be undertaken

The Pale Yellow Doubletail (*Diuris flavescens*) is a threatened terrestrial orchid listed as endangered under the *Biodiversity Conservation Act 2016* and critically endangered under the *Environmental Protection and Biodiversity Conservation Act 1999*. It was detected on the Tinonee development site during targeted surveys in spring 2008.

The Ecological Assessment for Subdivision Modification (Biodiversity Australia Pty Ltd, Sept 2020) suggests that a targeted survey for this species has not occurred within the last five years, as required by Surveying threatened plants and their habitats – NSW survey guide for the Biodiversity Assessment Method (DPIE 2020). This survey guide states that surveys undertaken more than five years prior to the proposal lodgement date may be used to inform the assessment process but cannot be used in place of a targeted species survey. This is to ensure results are current with respect to site condition, structural attributes and species' presence.

Recommendation 2

The proponent should undertake a targeted survey for *Diuris flavescens* for the proposed modification or provide an expert report in accordance with 6.5.2 of the BAM. Alternatively, the species can be assumed present on the development lands only.