

Our ref: DA 22/5186 MOD 1 (PAN-502460)

Mr Greg Attewell
Transport Asset Holding Entity of NSW
36-46 George Street
Burwood NSW 2134

3 February 2025

Subject: DA 22/5186 MOD 1 - Request for Information - Digital signage on Princes Highway, Loftus (PAN-502460)

Dear Mr Attewell,

I refer to the above section 4.55(1A) modification request (DA 22/5186 MOD 1) for the removal of trees as part of the installation of new digital signage on the Princes Highway, Loftus.

After careful consideration, the Department requests that you provide the additional information outlined in **Attachment A**. This request is made in accordance with section 104 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation). At the date of this letter, three (3) days in the assessment period has elapsed.

The Department requests that you provide a response to the issues raised in **Attachment A** by **28 February 2025** via the NSW Planning Portal. If you are unable to provide the requested information within this timeframe, you are required to provide, and commit to, a timeframe detailing the provision of this information. In accordance with Part 5, Division 1, section 104(2)(d) of the Regulation, the assessment period ceases to run from the date of this request until the information is provided.

If you have any questions, please contact Daniel Neely, Student Para Planner on 9407 2134, or via email at daniel.neely@dpie.nsw.gov.au



Mary Garland
Team Leader, Transport and Water Assessments

as delegate for the Minister for Planning and Public Spaces

Enclosed: Attachment A

ATTACHMENT A

1. Biodiversity

- The Department notes that the modification request indicates that a new test of significance is not required to support the modification application as a Biodiversity Impact Assessment was undertaken in 2022. The Department is of an opinion that this assessment cannot be relied on as:
 - the assessment was limited to a desktop study and impacts were assessed on the basis that no vegetation would be removed
 - the assessment only addressed fauna and vegetation communities - it did not identify or assess individual flora species, and
 - there is the potential for the structure and condition of the vegetation communities to have changed since the biodiversity impact assessment was undertaken two and a half years ago.
- An Arboricultural Impact Assessment has been provided as part of the modification application documentation. The report indicates that 14 trees will be removed as part of the development. Appendix 3 of the assessment report lists the trees to be removed. However, not all trees have been defined at the species level.
- Section 7.17 of the *Biodiversity Conservation Act 2016* (BC Act) addresses the modification of planning approvals and indicates that a biodiversity development assessment report (BDAR) is not required to be submitted if the consent authority is satisfied that the modification will not increase the impact on biodiversity values. The Department is not in a position to determine whether the modified proposal will increase the impact on biodiversity values as not all of trees have been identified to species level and there have been no inspections for fauna or fauna habitat in the area. In addition, it is not known whether any shrubs / undergrowth or groundcover would be removed during the clearing and, if so, what species would be impacted.
- A test of significance must be undertaken and submitted as part of the modification application to determine whether the proposed works are likely to significantly affect threatened species or ecological communities, or their habitats and to support why a biodiversity development assessment report is not required. Section 7.3 of the *Biodiversity Conservation Act 2016* sets out the test for determining whether a proposed development is likely to significantly affect threatened species or ecological communities, or their habitats.

- Further information on how to undertake a test of significance can be found at the NSW Department of Climate Change, Energy, the Environment and Water *Threatened Species Test of Significance Guidelines*, available at:

https://www2.environment.nsw.gov.au/sites/default/files/2024-02/threatened-species-test-significance-guidelines-170634_0.pdf

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/bulletins/threatened-species-test-significance-guidelines-sept-2018-no1-190371.pdf>

2. Visual impacts of the modification

- Consistent with the requirements of section 100(f) of the *Environmental Planning and Assessment Regulation 2021* the modification application must address the expected impacts of the modification. The modification assessment does not address the potential impacts of the proposed tree clearing on the visual amenity of residents located immediately to the north of the sign. In particular, it is not known if the clearing works will result in residents having a direct line of sight to the sign as any natural screening provided by the trees would be removed. The visual impacts must be assessed.

3. Clearing

- Please confirm if only the 14 trees would be removed or if shrubs and groundcover would also be cleared. Please show the extent of any other vegetation clearing on a scaled figure and annotate the species names. Please also provide a current photograph of the site and on the photograph mark all of the vegetation that will be cleared.
- Please advise on measures to be taken to minimise the potential for soil erosion in the cleared area.