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Your ref: PP\_2020\_CESSN\_007\_00 / (IRF21/21)

Jenny Mewing  
Senior Strategic Planner  
Cessnock City Council  
62-78 Vincent Street  
CESSNOCK NSW 2325

Dear Mrs Mewing

**Subject: Planning Proposal to amend Cessnock Local Environmental Plan 2011  
259 Averys Lane, Buchanan**

Thank you for your email of 15 March 2022 regarding the Planning Proposal at 259 Averys Lane, Buchanan.

The Biodiversity and Conservation Division (BCD) considers that the proposal could proceed, however; there are matters that warrant further consideration. BCDs 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 Sarah Warner, Senior Conservation Planning Officer, on 4904 2748 or via email at [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au)

Yours sincerely



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

**30 March 2022**

Enclosure: Attachments A and B

## BCD's recommendations

### Planning Proposal – 259 Averys Lane, Buchanan

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1. The SAI assessment for regent honeyeater and swift parrot 'important areas' should consider the following matters:
  - Condition/age of feed trees including occurrence and quality of the favoured blossom feed trees outlined in the Swift Parrot and Regent Honeyeater Recovery Plans
  - Diversity of Eucalypt species present
  - Occurrence and quality of favoured lerp trees and mistletoe
  - Occurrence of competitor species (e.g. rainbow lorikeets, noisy miners, red wattlebirds, noisy friarbirds etc.)
  - Connection to other habitat areas and fragmentation
  - Availability of water to the site
  - Landscape productivity (soil types/fertility, slope)
  - Any evidence of site fidelity (i.e. preference to use the site)
  - Cumulative impacts where known.
2. It is recommended that Stage 1 Biodiversity Assessment Method (BAM) assessment and Threatened Biodiversity Data Collection (TBDC) survey requirements be considered early in the planning process to avoid delays at the development application stage
3. It is recommended that waterfront land be zoned conservation.

## BCD's detailed comments

### Planning Proposal – 259 Averys Lane, Buchanan

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#### Biodiversity

##### 1. SAI assessment is required for regent honeyeater and swift parrot

The Planning Proposal will affect mapped 'important areas' for the critically endangered regent honeyeater and swift parrot that are regulated by the *Biodiversity Conservation Act 2016* (BC Act). The mapped 'important area' is the area identified as a potential serious and irreversible impact (SAII) and would need to be addressed in accordance with section 10.2 of the biodiversity assessment method (BAM).

In addition to the standard SAI assessment requirements outlined in the BAM, BCD has developed specific matters that should be assessed where impacts to mapped SAI important habitat areas for the swift parrot and regent honeyeater are likely. These are outlined below.

Guidance on how to consider SAI issues is also provided at <https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-to-assist-a-decision-maker-to-determine-a-serious-and-irreversible-impact-2019>

##### Recommendation 1

The SAI assessment for regent honeyeater and swift parrot 'important areas' should consider the following matters:

- Condition/age of feed trees including occurrence and quality of the favoured blossom feed trees outlined in the Swift Parrot and Regent Honeyeater Recovery Plans
- Diversity of Eucalypt species present
- Occurrence and quality of favoured lerp trees and mistletoe
- Occurrence of competitor species (e.g. rainbow lorikeets, noisy miners, red wattlebirds, noisy friarbirds etc.)
- Connection to other habitat areas and fragmentation
- Availability of water to the site
- Landscape productivity (soil types/fertility, slope)
- Any evidence of site fidelity (i.e. preference to use the site)
- Cumulative impacts where known.

##### 2. Biodiversity assessment is required

The Planning Proposal will affect mapped 'biodiversity value' land. Should the Planning Proposal proceed, development on the site is likely to trigger a Biodiversity Development Assessment Report (BDAR) under the BC Act. The BDAR would need to be assessed in accordance with the BAM and include seasonal surveys in accordance with the Threatened Biodiversity Data Collection (TBDC).

Ministerial Direction 1.4 aims to ensure that local environmental plan (LEP) provisions encourage the efficient and appropriate assessment of development, given this it is recommended that these biodiversity planning provisions be considered early in the process.

### Recommendation 2

It is recommended that Stage 1 BAM assessment and TBDC survey requirements be considered early in the planning process to avoid delays at the development application stage.

## **Waterfront land**

### **3. Waterfront land should be zoned for conservation**

The Planning Proposal will affect mapped waterfront land regulated by the *Water Management Act 2000*. Should the Planning Proposal proceed, development on the site is likely to be assessed as a controlled activity (see [https://www.nrar.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0003/367392/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf](https://www.nrar.nsw.gov.au/__data/assets/pdf_file/0003/367392/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf) ).

Ministerial Direction 1.4 aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development, given this it is recommended that the waterfront land be zoned conservation.

### Recommendation 3

It is recommended that waterfront land be zoned conservation.