

Mr Jason Sack
Living Choice
c/o Ms Nicole Lennon
Principal, Planik
Supplied by email



30 January 2018

RE: 328a & 330 – 334 Galston Road, Galston – retirement village

Dear Jason,

This letter has been prepared to provide updated information regarding the repeal of the NSW *Native Vegetation Act 2003* (NV Act) as it relates to an application for a Site Compatibility Certificate (SCC) and Development Application (DA) for the above property ('the site').

A SCC and DA were previously approved for the construction of a 95 dwelling retirement village at the site (DA850/2011). A revised lot layout incorporating an amended road layout, change in dwelling numbers and the inclusion of an additional lot is now proposed and new applications for a SCC and DA are required. Since the previous SCC and DA were approved the NV Act has been repealed and replaced by the NSW *Local Land Services Act 2013* (LLS Act) and NSW *Biodiversity Conservation Act 2016* (BC Act).

Local Land Services Act 2013

Part 5A of the LLS Act regulates the clearing of native vegetation in rural areas of the state and applies to the site as it is rural zoned land (Zoned RU4 Primary Production – Small lots) and is not national park estate or state forestry land. The 'native vegetation regulatory map' designates the areas of the state to which Part 5A applies. Under the 'native vegetation regulatory map' the site is mapped as 'Land Excluded from LLS Act' (**Figure 1**) and clearing of native vegetation is not regulated by Part 5A of the LLS Act. No further assessment is required under the LLS Act.

Biodiversity Conservation Act 2016

The BC Act, as it relates to the current development, establishes an offsets scheme (Part 6 of the BC Act) which aims to ensure there is no net loss of biodiversity values. Entry into the offset scheme is triggered by exceeding the thresholds as outlined in Part 7 of the NSW *Biodiversity Conservation Regulation 2017*, specifically:

- Clearing of native vegetation greater than 0.5 ha (based upon minimum lot size of 2 ha)
- Clearing of land within the Biodiversity Values map

Additionally, development that will significantly affect threatened species or ecological communities, or their habitats (according to s7.3 of the BC Act) also triggers the offset scheme.

The site does not include land mapped within the Biodiversity Values map (**Figure 2**). The Statement of Environmental Effects (SEE) for the previously approved DA (Innovation Planning Australia 2011) identified that the site did not contain any significant native vegetation, any stands of significant exotic trees or any native vegetation community as indicated on Council's Native Vegetation Communities of Hornsby Shire Map. Based upon this assessment, the proposed development does not exceed the thresholds for entry into the offset scheme. No further assessment under the BC Act is required.

Conclusions

The updated proposal for the site is not regulated by the LLS Act and based upon site assessments included within the previously approved DA, does not trigger the biodiversity offsets scheme under the BC Act.

Should require further advice, please do not hesitate to contact me.

Yours sincerely,



Brian Towle

Senior Ecologist

BEnvSc (Hons I)

Accredited Biobanking (#229) and BAM Assessor (#17057)

M: 0477 888 251

E: brian.towle@ecoplanning.com.au

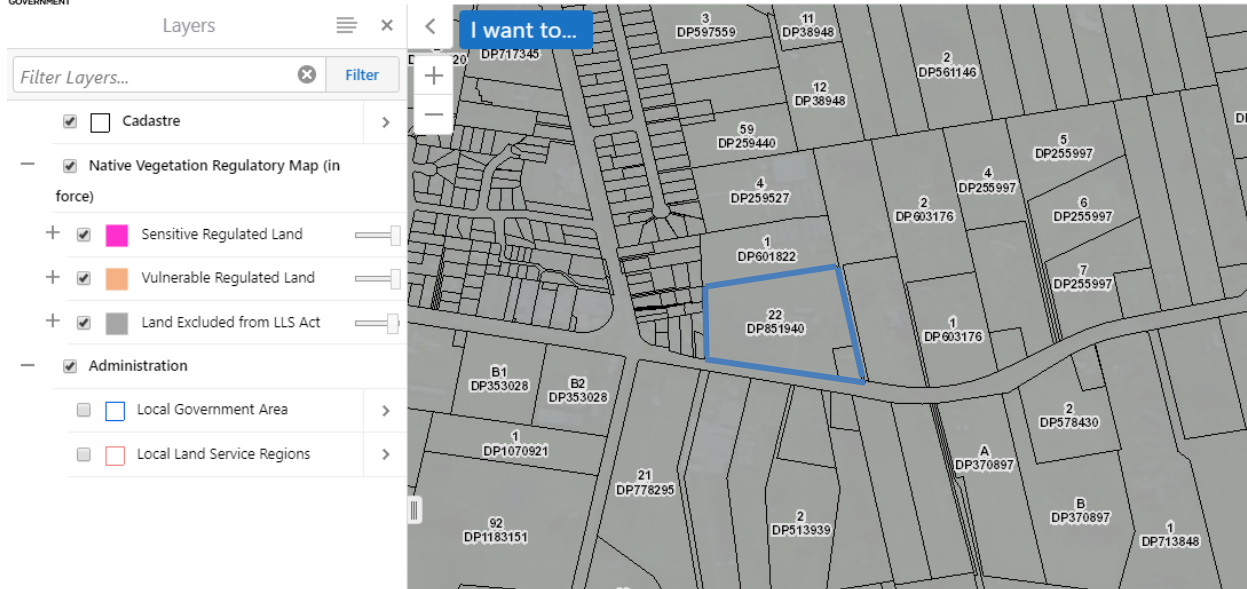


Figure 1: Extract from the Native Vegetation Regulatory map, accessed 29 January 2018

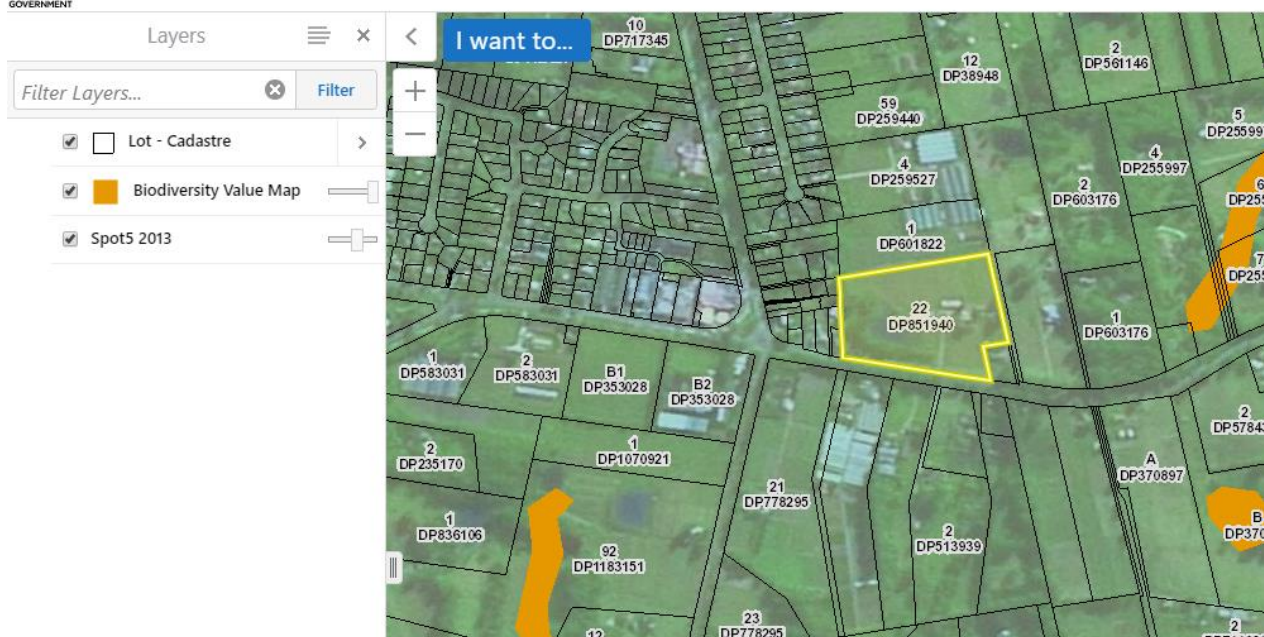


Figure 2: Extract from the Biodiversity Values map, accessed 29 January 2018

References

Innovation Planning Australia (2011). Statement of Environmental Effects - Housing for Seniors or People with a Disability, Lot 22 DP 851940, 330 Galston Road, Galston. Unpublished report dated August 2011.