



# Statement of Environmental Effects

## INSTALLATION OF ONE (1) MANUFACTURED HOME & ONE (1) TOURIST ACCOMMODATION (SERVICED APARTMENT)

Lot 68 DP 756897  
(No. ) Gibsons Lane  
**ERUDGERE**

**Prepared For:**  
J & M Andrews

**February 2023**

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**QA Status**

PREPARED	REVIEWED	ISSUED
Karen Jurd B Dev Stud		February 2023

# Contents

1.0	DEVELOPMENT DETAILS & SUITABILITY .....	5
1.1	Development .....	5
1.2	Zoning .....	5
1.3	Site Details .....	5
1.4	Location.....	5
1.5	Applicant.....	6
1.6	Owner.....	6
1.7	Site Analysis.....	6
1.8	Site Constraints.....	6
1.9	Local Facilities.....	6
1.10	Compatibility with Local Area .....	6
2.0	Planning Objectives .....	7
2.1	SEPP (Rural Lands) 2008.....	7
2.2	SEPP No. 55 Remediation of Land.....	7
2.3	SEPP (Koala Habitat Protection) 2021 .....	8
2.3	Biodiversity Conservation Act 2016 .....	8
2.4	Mid-Western Regional Local Environment Plan 2012 .....	9
2.4.1	4.2A Erection of dwelling houses and dual occupancies on land in certain zones 10	
2.4.2	Mid-Western Regional Development Control Plan.....	12
3.0	ENVIRONMENTAL IMPACT .....	13
3.1	Building Height .....	13
3.2	Setbacks.....	13
3.3	Design .....	13
3.4	Open Space .....	13
3.5	Parking .....	13
3.6	Utilities .....	14
3.7	Fencing.....	14
3.8	Acid Sulphate Soils .....	14
3.9	Mine Subsidence.....	14
3.10	Flooding.....	14
3.11	Energy Efficiency .....	14
3.12	Stormwater Management.....	14
3.13	Access and Traffic.....	14
3.14	Overlooking/Privacy/Lighting.....	15
3.15	Landscaping .....	15
3.16	Heritage.....	15
3.17	Flora & Fauna .....	15
3.18	Bush Fire.....	15
3.19	Social and Economic Impact.....	15

3.20	Ground Water Vulnerability .....	15
3.21	Biodiversity Off-set Scheme .....	15
4.0	TOURIST SERVICED APARTMENT .....	17
4.1	6.4 Tourist and Visitor Accommodation .....	17
4.1.1	Definition .....	17
4.1.2	Location .....	17
4.1.3	Design & Layout .....	17
4.1.4	Water Cycle Management .....	17
4.1.5	Electricity .....	17
4.1.6	Parking .....	17
4.1.7	Signage .....	17
5.0	CONCLUSION .....	18
6.0	RECOMMENDATION .....	18
	APPENDIX A .....	19
	Biodiversity Values Map and Threshold Report .....	19

# 1.0 DEVELOPMENT DETAILS & SUITABILITY

## 1.1 Development

The proposed development involves:

- The installation of one (1) manufactured home on the subject site. A section 68 application for the manufactured home accompanies this DA.
- Construction of associated structures such as alfresco and verandah to the dwellings. Refer to plans for further details.
- The installation of one (1) manufactured building to be utilised as a 4 bedroom tourist accommodation serviced apartment.

at Lot 68 DP 756897(No. ) Gibsons Lane, Erudgere.

## 1.2 Zoning

The subject site is zoned R5 Large Lot Residential under the provision of the Mid-Western Regional Local Environmental Plan 2012.

## 1.3 Site Details

The subject development site comprises of a total area of approximately 15.08Ha.

## 1.4 Location

Lot 68 DP 756897(No. ) Gibsons Lane, Erudgere. Refer to Figure 1.



**Figure 1:** Locality Map – Map view of Lot 68 (No. ) Gibsons Lane, Erudgere.

## 1.5 Applicant

J & M Andrews  
C/- Complete Planning Solutions Pty Ltd

## 1.6 Owner

The land is currently owned by J & M Andrews

## 1.7 Site Analysis

The subject site is located within an established rural residential area. The subject site currently contains a shed. The land has been predominately cleared and contains a few scattered significant trees.

## 1.8 Site Constraints

The site has been identified by NSW Planning Portal as having environmental constraints.

- Ground Water Vulnerability;
- Moderate Biodiversity;
- Bush fire prone land.

## 1.9 Local Facilities

The subject site is within close proximity to the Mudgee Local Centre area, convenience stores, schools and recreation facilities. Land use within the immediate locality is of a rural residential nature. Mudgee is approximately 10km from Erudgere.

## 1.10 Compatibility with Local Area

Lot 68 DP 756897 is a rural residential property located in Erudgere consisting of planned infrastructure designed to facilitate development of this type. Land in the immediate vicinity of the site is occupied by rural residential housing or is vacant.

## 2.0 Planning Objectives

### 2.1 SEPP (Rural Lands) 2008

*The aims of this Policy are as follows:*

*(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*

The subject site is zoned R5 Large Lot Residential. The proposed development will contribute to the continued development by providing additional housing stock. The proposed development will not create a negative impact on rural lands within the area.

*(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*

**The proposed development is to occur upon land which would be classified as rural. The proposed development will not diminish the rural integrity of the area. The proposed development suits the overall character and context of the local area.**

*(c) to implement measures designed to reduce land use conflicts,*

**The proposed development is consistent with other residential developments within the area. The location of the proposed building envelopment has been arrived at so as to negate any land use conflicts.**

*(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*

**The proposed development is not to occur on any identified State significant agricultural land.**

*(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

**The proposed development is not seeking to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.**

### 2.2 SEPP No. 55 Remediation of Land

*(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*

*(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

*(a) by specifying when consent is required, and when it is not required, for a remediation work, and*

*(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*

*(c) by requiring that a remediation work meet certain standards and notification requirements.*

The site has been significantly cleared over the years for agricultural pursuits, such as grazing of livestock and a cattle stud. Due to the nature of the agricultural pursuits, it is suggested that no remediation work is required.

## 2.3 SEPP (Koala Habitat Protection) 2021

*This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.*

### **Response**

The subject site has a total area of 15.08Ha. The majority of the site was cleared some years ago for agricultural purposes. The adjoining lots to the north, south, east and west have been cleared of significant vegetation. These lots are vacant awaiting residential developments. If koala were to be located within this area the proposed development would not be detrimental to their habitat.

The subject land is not considered to be core Koala habitat and therefore this application complies with the *State Environmental Planning Policy (Koala Habitat Protection) 2021*.

## 2.3 Biodiversity Conservation Act 2016

*The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and in particular:*

- (a) to conserve biodiversity at bioregional and State scales, and*
- (b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and*
- (c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and*
- (d) to support biodiversity conservation in the context of a changing climate, and*
- (e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and*
- (f) to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and*
- (g) to regulate human interactions with wildlife by applying a risk-based approach, and*
- (h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and*
- (i) to support and guide prioritised and strategic investment in biodiversity conservation, and*
- (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and*
- (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and*
- (l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and*
- (m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and*
- (n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and*
- (o) to make expert advice and knowledge available to assist the Minister in the administration of this Act.*



## Response

A majority of the subject site has been cleared of significant native vegetation, with scattered significant trees located mainly to the rear of the lot. The land has predominately been used for agricultural pursuits. The grasses located on the site are not considered to be native vegetation.

Grasslands are considered to be the bush fire hazard. Regular slashing of grasslands around the existing and any future proposed residential developments will not have a negative impact on native vegetation.

As the property is void of any significant native vegetation the transpiration areas for an on-site sewage system will not create a negative impact.

While there are some significant trees located upon the subject site, the proposed development does not require the removal of any of these trees.

## 2.4 Mid-Western Regional Local Environment Plan 2012

The subject site is zoned R5 Large Lot Residential under the provision of the Mid-Western Regional Local Environmental Plan 2012.

### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

### **2 Permitted without consent**

*Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems*

### **3 Permitted with consent**

*Bed and breakfast accommodation; Cellar door premises; Dual occupancies; **Dwelling houses**; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roadside stalls; Secondary dwellings; **Serviced apartments**; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4*

### **4 Prohibited**

*Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management*

facilities; Water recreation structures; Water supply systems; Water treatment facilities; Wharf or boating facilities

**A dwelling house and serviced apartment developments are permissible with the consent of Council.**

#### 2.4.1 4.2A Erection of dwelling houses and dual occupancies on land in certain zones

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones,
- (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.

**The proposed development respects the rural significance of the area and will not create a negative impact upon the landscape.**

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU4 Primary Production Small Lots,
- (c) Zone RU5 Village,
- (d) Zone R5 Large Lot Residential,
- (e) Zone E3 Environmental Management.

**The subject site is zoned R5 Primary Production and as such this clause applies to the proposed development.**

(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—

- (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
- (b) is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
- (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) is an existing holding that is not within Zone R5 Large Lot Residential, or
- (e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—
  - (i) a minor realignment of its boundaries that did not create an additional lot, or
  - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
- (f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or
- (g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or
- (h) is a former holding, or
- (i) is a former rural lot that has an area of at least 40 hectares.

**Note—**

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

**The subject lot has a site area of 15.08Ha. The minimum lot size for the subject lot is 12Ha. The subject site does meet the minimum lot size requirement. Under these circumstances the installation of a dwelling and serviced apartment (Tourist Accommodation) is permissible with the consent of Council.**

*(3) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.*

**As the subject site is greater than the minimum lot size for R5 Large Lot Residential zone. This entitles the lot to lawfully erect a dwelling and tourist serviced apartment.**

## 2.4.2 Mid-Western Regional Development Control Plan

*The aims of this Plan are to:*

- *Implement and support the objectives of the Local Environmental Plan (Mid-Western Regional LEP 2012);*
- *Define development standards that deliver the outcomes desired by the community and Council;*
- *Provide clear and concise development guidelines for various forms of development;*
- *Encourage innovation in design and development by not over-specifying development controls;*
- *Expedite development approvals by providing clear direction of Council's intent and criteria;*  
*and*
- *Provide certainty of development outcomes for developers and the community.*

### **Dwelling**

**The proposed development is submitted for Council's consideration utilising the provisions of Part 6 Development in Rural Areas.**

### **Tourist Accommodation Units**

**Council's DCP has specify requirements for Tourist and Visitor Accommodation. Consideration of Council's DCP requirements has been taken into account in the preparation of this DA.**

## 3.0 ENVIRONMENTAL IMPACT

### 3.1 Building Height

#### **Dwelling**

The proposed development is for the installation of a manufactured dwelling. The single storey dwelling will have a ceiling height of approximately 2.930m. The proposed development will not have a negative impact on adjoining properties in relation to overshadowing, privacy or views. The proposed building heights comply with Council's requirements.

#### **Tourist Serviced Apartment**

The Tourist Serviced Apartment is a single storey structure. The proposed building height to the ridge will be 5.135m.

Both the dwelling and service apartment meet Council's building height requirements.

### 3.2 Setbacks

MWRDCP2012 Part 6 Development in Rural Areas specifies a 60m front setback from a street, 20m side/rear setback and 15m secondary frontage for corner lots.

#### **Dwelling**

The proposed dwelling will be setback from Gibsons Lane (front) boundary approximately 206m.

The setback from the eastern (side) boundary will be 50.5m

#### **Serviced Apartment**

The proposed dwelling will be setback from Gibsons Lane (front) boundary approximately 81m.

The setback from the eastern (side) boundary will be 131.820m

**All setbacks comply with Council's DCP requirements.**

### 3.3 Design

The proposed development is to occur upon a rural residential lot. The proposed design is compatible with other established dwellings within the area.

The proposed manufactured home has a high-quality design which will complement the local landscape.

### 3.4 Open Space

The subject land is zoned R5 Large Lot Residential and has an area size of 15.08Ha. There is ample open space for the proposed development.

### 3.5 Parking

#### **Dwelling**

A shed has been constructed on site to provide parking to the dwelling. The subject site has sufficient area to provide ample car parking space for residents and visitors to the home.

### **Serviced Apartment**

The subject site has sufficient area to provide one (1) car parking space per room and one space per visitor.

## **3.6 Utilities**

The subject site has access to all services of electricity and telephone. These services will be supplied as required to the proposed new development.

Town water and sewer is not connected to the town sewer. The proposed development will be serviced by an existing onsite waste water management system.

## **3.7 Fencing**

The proposed development is to occur upon a lot with an area size of 15.08Ha within an existing fence boundary, no additional fencing is proposed.

## **3.8 Acid Sulphate Soils**

The subject land is not mapped as being within an Acid Sulfate Soils areas. An Acid Sulfate Soils Management Plan is not required in this instance.

## **3.9 Mine Subsidence**

The site has not been identified as being located within a proclaimed Mine Subsidence District. Approval from the Mine Subsidence Board is not required in this instance.

## **3.10 Flooding**

Council's records do not show the subject site as being within a flood prone area.

## **3.11 Energy Efficiency**

The proposed development is for the installation of a manufactured homes. A BASIX is not required in this instance.

The serviced apartment is also transportable building which will be permanently affixed to the site by footings. A BASIX is not required in this instance.

## **3.12 Stormwater Management**

The proposed development is to occur upon a rural property. The subject site has a lot size of 15.08Ha. Given the area size of the lot it is considered that there is ample area for natural absorption. A 100,000 rainwater tank will be installed and will contribute to stormwater management.

## **3.13 Access and Traffic**

The subject site retains access to Gibsons Lane. Gibsons Lane is a sealed all weather access road.

The proposed development is not expected to significantly increase local traffic movement with the local area.

### 3.14 Overlooking/Privacy/Lighting

The proposed development is unlikely to adversely impact upon the privacy of adjoining properties. The proposed location of the dwellings and separation distance between the proposed development and neighbouring developments ensure that privacy is maintained by impeding light spill and view corridors between residential dwellings etc.

### 3.15 Landscaping

The proposed development does not involve a formal landscape plan. The existing vegetation is to remain and will not be removed to accommodate the proposed development.

### 3.16 Heritage

The subject site has not been identified as having European heritage significance. A heritage assessment is not considered necessary in this instance.

### 3.17 Flora & Fauna

The proposed development does not require the removal of any vegetation. The subject site has been previously cleared and is ready to accommodate the proposed development.

### 3.18 Bush Fire

The subject site is located within a bush fire prone area. A Bush Fire Risk Assessment Report is required in this instance.

### 3.19 Social and Economic Impact

The proposed development will provide additional housing stock within the Mid-Western District LGA.

It is anticipated that the proposed development will result in a positive economic effect, primarily as a result of the construction of new residential development. The development will therefore facilitate short-term contract work opportunities for the Erudgere area.

#### **Tourist Serviced Apartment**

The provision of accommodation will provide tourist accommodation for visitors to the area as well as ensuring the economic viability of the stud/property.

### 3.20 Ground Water Vulnerability

The proposed development is located within a ground water vulnerability area.

The proposed development is not expected to adversely impact on the quality and quantity of water entering ground water storage.

### 3.21 Biodiversity Off-set Scheme

The subject site has been identified as having biodiversity values. A BOS search was conducted on 1 February 2023 and the results show the following:

Biodiversity Values Map and Threshold Report
--

<b>Results Summary</b>		
<b>Date of Calculation</b>	01/02/2023 1:57 PM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	12,965.9 sqm	
<b>Minimum Lot Size Method</b>	LEP	
<b>Minimum Lot Size</b> 10,000sqm = 1ha	120,000 sqm	
<b>Area Clearing Threshold</b> 10,000sqm = 1ha	5,000 sqm	
<b>Area clearing trigger</b> Area of native vegetation cleared	Unknown #	Unknown #
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
<b>Date of the 90 day Expiry</b>	N/A	

Refer to APPENDIX A for the full Report.



## 4.0 TOURIST SERVICED APARTMENT

The proposed tourist accommodation units will provide short term accommodation for tourist and visitors. The subject site is a 15.08Ha property.

The subject site is only approximately 10km from Mudgee. The property is ideally located offering visitors a unique rural experience.

### 4.1 6.4 Tourist and Visitor Accommodation

#### 4.1.1 Definition

The proposed development is classified as tourist accommodation tourist and visitor accommodation which means a building or place that provides temporary or short-term accommodation on a commercial basis, (e) serviced apartments.

#### 4.1.2 Location

The proposed development complies with 4.2A Erection of dwelling houses and dual occupancies on land in certain zones.

The subject lot has a site area of 15.08Ha. The minimum lot size for the subject lot is 12Ha. Under these circumstances the installation of a dwelling and Tourist Accommodation is permissible with the consent of Council.

A single dwelling is permissible within the provisions of LEP 2012.

#### 4.1.3 Design & Layout

- a The development addresses the constraints of the site including topography, existing vegetation and infrastructure.
- b One (1) tourist accommodation serviced apartment is proposed and there is to be a new permanent dwelling. The proposed development meeting Council's DCP requirements.
- c The subject site is within a rural area. The buildings to be used are manufactured/relocatable and as such are permitted.

#### 4.1.4 Water Cycle Management

A wastewater application has been submitted with this DA.

#### 4.1.5 Electricity

The subject site is services by electricity.

#### 4.1.6 Parking

The subject site is of sufficient area to provide ample parking for residents and visitors.

#### 4.1.7 Signage

Signage is not proposed as part of this DA.

## 5.0 CONCLUSION

This report addresses planning issues relevant to the proposed installation of a dwelling and tourist accommodation (serviced apartment) t at Lot 68 DP 756897(No. ) Gibsons Lane, Erudgere

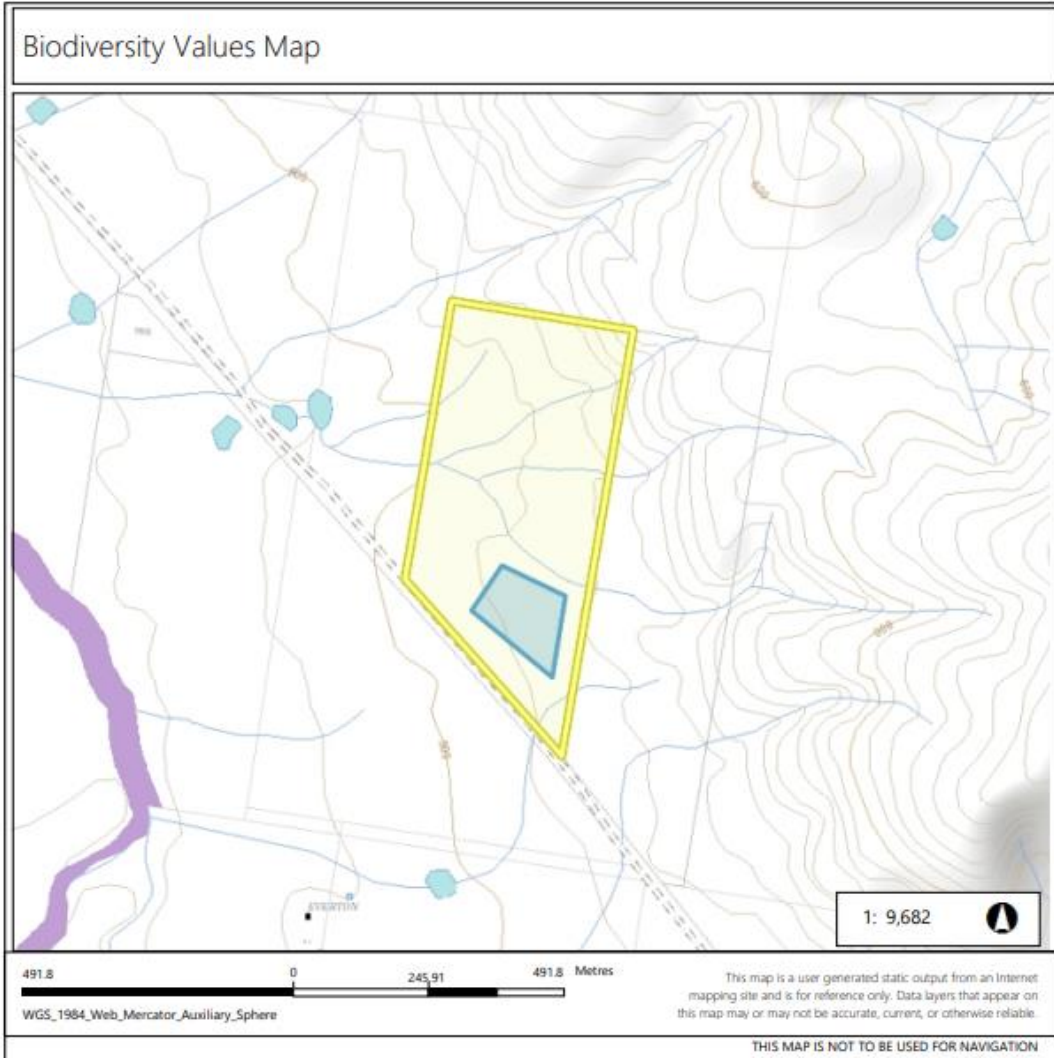
## 6.0 RECOMMENDATION

It is recommended that Mid-Western District Council grant Development Consent for the proposed development at Lot 68 DP 756897 (No. ) Gibsons Lane, Erudgere.

## APPENDIX A

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# Biodiversity Values Map and Threshold Report



Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

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## Biodiversity Values Map and Threshold Report

### Results Summary

Date of Calculation	01/02/2023 1:57 PM	BDAR Required*
<b>Total Digitised Area</b>	12,965.9 sqm	
<b>Minimum Lot Size Method</b>	LEP	
<b>Minimum Lot Size</b> 10,000sqm = 1ha	120,000 sqm	
<b>Area Clearing Threshold</b> 10,000sqm = 1ha	5,000 sqm	
<b>Area clearing trigger</b> Area of native vegetation cleared	Unknown #	Unknown #
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
<b>Date of the 90 day Expiry</b>	N/A	

\*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

# Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BMAT user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

### Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Department of Planning and Environment and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

### Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature \_\_\_\_\_ Date: 01/02/2023 01:57 PM