



**FLORA AND FAUNA  
ASSESSMENT GUIDELINES  
FOR  
DEVELOPMENT  
APPLICATIONS.**

January 2006

## TABLE OF CONTENTS

<b>A. INTRODUCTION .....</b>	<b>3</b>
1.    PURPOSE OF THE GUIDELINES .....	3
2.    WHEN IS A FLORA AND FAUNA REPORT REQUIRED FOR A DEVELOPMENT APPLICATION? .....	3
3.    WHO CAN PREPARE A FLORA AND FAUNA REPORT? .....	3
<b>B. WHAT IS REQUIRED IN A FLORA AND FAUNA REPORT .....</b>	<b>5</b>
<b>C. COUNCIL'S ASSESSMENT OF FLORA AND FAUNA IMPACTS.....</b>	<b>8</b>
<b>D. OTHER FLORA AND FAUNA IMPACT APPROVALS.....</b>	<b>9</b>
<b>E. FURTHER REFERENCES .....</b>	<b>10</b>
<b>APPENDIX 1 – LEGISLATIVE REQUIREMENTS* .....</b>	<b>11</b>
1. <i>Environmental Planning and Assessment Act (1979)</i> .....	11
2. <i>Threatened Species Conservation Act (1995)</i> .....	11
3. <i>State Environmental Planning Policy No. 19 (SEPP 19)</i> .....	12
4. <i>State Environmental Planning Policy No. 44 (SEPP 44)</i> .....	12
5. <i>Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River           1996 (SREP 20)</i> .....	13
6. <i>Hornsby Shire Council Development Control Plans (DCP)</i> .....	14
7. <i>Hornsby Councils Landscape Code</i> .....	14
8. <i>Planning for Bushfire Protection (NSW Rural Fire Service)</i> .....	14
9. <i>Commonwealth Environment Protection and Biodiversity Conservation Act           (1999)</i> .....	14
 <b>APPENDIX 2: GLOSSARY OF TERMS * .....</b>	 <b>15</b>

## A. INTRODUCTION

### 1. Purpose of the Guidelines

The purpose of these Guidelines is to advise when a Flora and Fauna report may be required to accompany a development application. The guidelines specify the minimum level of information required for a flora and fauna report and provide advice on how the Council will process reports. Development consent is required for any land clearing within the Rural areas of the Shire.

Council's Bushland and Biodiversity Team offer pre- development application advice which may assist developers to identify, minimise and avoid sensitive environments when planning a development proposal. There is a fee of \$66 per hour including GST for this service.

### 2. When is a Flora and Fauna Report Required for a Development Application?

In assessing a development application, Council is obliged by law to give detailed consideration to the impact a development may have on the social, economic, natural and built environments under s79C of the *Environmental Planning and Assessment Act*. To ascertain if there is likely to be an impact on native vegetation and any significant impact on threatened species, applicants are required to lodge a Flora and Fauna Report with their development application (DA), if the property to be developed has the following characteristics:

- contains native vegetation, or
- contains remnant native trees, or
- is adjacent to native vegetation (eg National Parks, bushland reserves), or
- contains sensitive environmental areas that may contain fauna habitats (although they may not include vegetation) such as riparian areas and wetlands

**And**, the proposal will directly or indirectly impact on this area, vegetation or natural features of the site (eg rock outcrop, slopes), for example by clearing, soil disturbance, runoff, waste water disposal, and implementation of Bushfire Asset Protection Zones.

### 3. Who can prepare a Flora and Fauna Report?

Council requires that a flora and fauna report be prepared by suitably qualified independent consultant(s). The following criteria should be followed when choosing a Flora and Fauna Consultant:

- The consultant is accredited (by the NSW Department of Environment and Conservation) **or** is a member of the Ecological Consultants Association or other appropriate professional organisations.
- The consultant has relevant experience and tertiary qualifications in the ecological field (the consultant's resume including these details should be attached with the report),
- The consultant possesses a NPWS Scientific Licence (120s 132c National Parks and Wildlife Act) for flora and fauna survey work, and an Animal Research Authority administered by NSW Agriculture (s25 NSW Animal Research Act) if undertaking a fauna survey, and
- The consultant carries relevant insurance.

Figure 2. When a Flora & Fauna Report is Required



Your Report must *always* consider  
**IMPACTS ON THREATENED SPECIES**

Under *s5a EP&A Act*

Relevant to species listed under Threatened Species Conservation Act 1995

- If the Flora & Fauna report determines that there are Threatened Species, Endangered Ecological Communities or their habitats and the development is likely to have an impact, an Assessment of Significance for those species occurring or likely to occur must be included in the report.
- If the Assessment of Significance decides that the impact is significant, a Species Impact Statement (SIS) will be required.
- If the Flora & Fauna report categorically demonstrates that there are no Threatened Species, Endangered Ecological Communities or their habitats on the development site or likely to occur on the site, or impacted by the development proposal – a statement saying the Assessment of Significance has been considered is adequate.

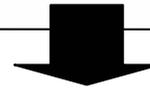
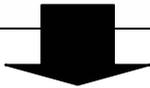


## QUICK REFERENCE GUIDE TO FLORA & FAUNA REPORTS

You will require a Flora & Fauna Report under *s79(1)c EP&A Act* If

The property to be developed has native vegetation, remnant native vegetation, or is adjacent to native vegetation and/or

The proposal will directly or indirectly impact on that *vegetation* by clearing, runoff, waste water irrigation, Bushfire Asset Protection Zone's etc. or natural features (e.g. rock outcrops) which may provide habitat.



The Report may also need to address

### **SREP 20**

**Hawkesbury Nepean Regional Environmental Plan 2**

*if*

The proposal is situated in the Hawkesbury Nepean Catchment *and* will impact directly or indirectly on natural landscape features.

The Report may also need to address

### **SEPP 19**

**Bushland in Urban Areas**

*if*

The property contains or adjoins bushland zoned or reserved for public open space *and* the proposal will impact directly or indirectly on native bushland

Please note: Council's Bushland and Biodiversity Team offer pre-Development Application inspections and advice for your property so you can plan your development to avoid impact on the most sensitive environments on site. Council policies stipulate that approval cannot be granted to an application unless the applicant has shown, to the satisfaction of Council, that the development is designed and sited to minimise vegetation clearing and soil disturbance. Furthermore, certain types of vegetation and habitats are more significant than others and pre-DA advice can assist identification of these elements, therefore better inform you prior to preparation of your development proposal.

## **B. WHAT IS REQUIRED IN A FLORA AND FAUNA REPORT**

The potential effects of the proposal on flora and fauna are a function of the attributes of the proposal and the characteristics of the study area. It is therefore necessary to gather information on the proposal and the study area before determining whether threatened biodiversity is likely to be affected.

### **1. Identify the Subject Site**

The report is identify the site characteristics and include a site plan of the property which identifies:

- the location, boundary dimensions, site area and north point of the land
- the location of existing buildings and structures on the land
- existing vegetation and significant remnant trees and bushland on the land
- watercourses (including ephemeral and intermittent)
- existing levels of the land in relation to buildings and roads (i.e. contours and spot levels) including the location of escarpment/ rock outcrops
- the location and uses of buildings on adjoining properties

The above information should be readily available as this reflects the requirement for a site plan for all DAs in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulations 2000*.

### **2. Identify the scope of the development**

The flora and fauna report is required to take into account the works proposed in the DA plans and any other works or recommendations made in other sub-consultant reports. The Flora and Fauna report is to summarise the scope of the proposed development. This is to include a site plan clearly indicating the location of key works in relation to the existing site attributes described at (1) above. These key works would include the location of:

- The proposed building envelope and private open space areas and pathways
- Driveways, roads and utility service/trenches required
- Drainage systems and onsite stormwater detention basins
- Wastewater disposal areas
- Bushfire Asset Protection Zones
- Landform modification - cut and fill areas
- Construction phase disturbance areas eg stockpiles, vehicle and machinery access

The Flora and Fauna consultant should provide certification that all the above impacts and recommendations of the various required reports have been taken into account in their flora and fauna assessment.

### **3. Identify the Ecological Values of the Site and Context**

A site visit will enable the environmental consultant to conduct a preliminary review of the vegetation and animal habitats that occur not only on the site but in adjacent areas. It is not sufficient to only address the area of the subject site but it is important to consider adjacent

land that may be directly or indirectly affected by the proposal and other areas subject to off-site impacts. For example, clearing vegetation on one parcel of land may have indirect impacts from sediment run-off and weed invasion on adjacent bushland on another property.

Once the study area has been determined, a field survey is to be undertaken that details the ecological values of the study area that includes:

- a) details of the types, locations and conditions of native vegetation and animal habitats in the study area,
- b) any threatened species, populations or endangered ecological communities, or their habitats, known on the site or likely to occur in the locality of the site,
- c) assessment of the likelihood of any threatened species, populations or endangered ecological communities, or their habitats, occurring or likely to occur within the study area.

Note: Even highly disturbed sites can provide habitat for certain threatened species.

#### **4. Identify level of survey work required**

Field work must be undertaken to identify species on site and is to be undertaken using appropriate methodology (see The Department of Environment and Conservation's draft guidelines "*Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities*"). Flora surveys, fauna trapping, spot lighting, ultrasound bat detection, call playback, looking for scats, scratches and other evidence of fauna, and assessment of hollows and nests may be appropriate. The level of field work undertaken must reflect the species being assessed and the habitat(s) on site.

A number of visits to the site are likely to be required, and survey work should be carried out at appropriate seasonal and weather conditions for the target species. Nocturnal and diurnal fauna surveys should be conducted.

Within the report, include details of the methodology used, plus the effort (time spent) undertaking each survey type, and the date, time and weather when the site was surveyed.

#### **5. Assess the Impact of the Development**

The report is required to identifying all direct and indirect impacts on flora and fauna from the proposed development. This is to consider all requirements of relevant legislation that may apply including, but not limited to:

- Sections 5a (Assessment of Significance) and 79C of the Environmental Planning and Assessment Act
- Threatened Species Conservation Act, 1995
- State Environmental Planning Policy No.19 – Bushland in Urban Areas
- State Environmental Planning Policy No.44 – Koala Habitat Protection
- Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River

Further details of this legislation are described in Appendix 1.

The effects of a proposal on the environment is likely to be unique due to its nature, construction, operation and location. It is important to recognise the nature of both direct and indirect impacts and their likely magnitude during the construction and operational phases of

any proposal. Examples of indirect and direct impacts that are common impacts to biodiversity include:

- clearing, fragmentation, alteration and destruction of native vegetation and animal habitats;
- bushfire hazard reduction works;
- pollution of watercourses and wetlands;
- sediment, nutrient and pollutant run-off into adjacent vegetation and animal habitats;
- loss of hollows, nesting and feeding habitats for birds;
- noise and vibration disturbances to bat roosting sites; and
- an increase in weeds and feral animals;

If the Flora and Fauna report determines that there are threatened species, endangered ecological communities or their habitats present or likely to occur, an Assessment of Significance for those species must be included in the report. The Department of Environment and Conservation have draft guidelines entitled “*Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities*” which may assist consultants and developers.

For further information on the Threatened Species Conservation Act (1995) and the assessment requirements, see [www.threatenedspecies.environment.nsw.gov.au](http://www.threatenedspecies.environment.nsw.gov.au) or contact the DEC’s Environment Line on 131 155.

## **6. Propose Mitigation Measures**

The Flora and Fauna report is to consider and recommend mitigation measures to address the impacts of the development such as proposed native vegetation landscaping, riparian zone restoration or bushland restoration. When significant native vegetation is affected, a Vegetation Management Plan may be required to ensure biodiversity conservation outcomes will be managed.

In terms of biodiversity outcomes please note that Hornsby Council adopted a Biodiversity Conservation Strategy in August 2004. Within this strategy, one of the key goals is a **Net Improvement** for native vegetation. An important way forward in achieving this goal is for potential development proposals to consider how to design their development with an understanding of the environmental values of the site, to reduce impacts on native flora and fauna, and implement protection measures within their proposals. Applicants are encouraged to incorporate measures to achieve a net improvement in biodiversity outcomes from their development.

### ***Ways to achieve Net Improvement***

- Protect and regenerate bushland on the property
- Develop the more disturbed or cleared areas of the land
- Retain natural features such as watercourses, rock outcrops, stands of native trees and areas of threatened and rare plants/vegetation
- Ensure landscaping incorporates locally indigenous plant species (refer to planting Guide available at Council or on Council’s web site: [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au))

## C. COUNCIL'S ASSESSMENT OF FLORA AND FAUNA IMPACTS

Firstly, the Council will review the adequacy of the Flora and Fauna report. Council has the authority to refuse a report or report findings if:

- The report is older than 3 years, unless consultation with Council's Bushland and Biodiversity team has been undertaken and it is deemed acceptable.
- The report does not consider all the species listed under the Threatened Species Conservation Act (1993) occurring or likely to occur on the site at the time of lodgement of the development application.
- The author has inappropriate qualifications or experience or does not possess a Scientific license.
- There is an inaccurate and/or inappropriate methodology adopted by the consultant.
- The report conflicts with other reports submitted with the application, such as the Bushfire or waste water report, or the report does not take into account all the impacts of the proposed development.
- Council as the determining authority finds the conclusions of the report inaccurate or disagree with the conclusions after onsite inspection and review of documentation.

Then, if the Flora and Fauna report is adequate and its conclusions are accepted by the Council, then the subsequent courses of action will follow:

1. If the Assessment reveals a significant effect on threatened species, populations or endangered ecological communities or their habitats is likely then:

(i) a Species Impact Statement (SIS) must be prepared in accordance with Division 2 of Part 6 of the *TSC Act*. An SIS provides a more detailed assessment of threatened biota issues and proposes measures to manage and mitigate adverse impacts. Before commencement of a SIS, the requirements of both Council and the Director General of the DEC must be sought. If Council intends to issue consent after the completion of an SIS, than concurrence from the Director-General of the DEC is required.

Or

(ii) The proposal may be modified such that a significant effect on threatened species, populations or ecological communities or their habitat is unlikely. Should this require amended plans, the development application may need to be re-exhibited. As a consequence, additional fees will apply. Should the plans be substantially amended, Council would not agree to such amendments being considered under the current development application. As such, a fresh development application would have to be lodged for Council's further consideration. The flora and fauna report's Assessment of Significance must be applied to any modified proposal, reassessing whether the effect will be significant.

2. If the Assessment of Significance reveals that no significant effect on threatened species, populations, ecological community or their habitats is likely then Council will proceed with the assessment of the development application. It should be noted that ultimately it is Council that makes the final decision as to whether a proposed development will have a significant effect on threatened species, populations, ecological communities or their habitats.

## **D. OTHER FLORA AND FAUNA IMPACT APPROVALS**

### **1. Commonwealth Environment Protection and Biodiversity Conservation Act (1999)**

If your development is likely to have a significant impact on any of the seven matters of national environmental significance, which include threatened species, endangered ecological communities or migratory species listed under the above EPBC ACT, then it is YOUR RESPONSIBILITY to refer the development proposal to the Department of Environment and Heritage. This is a separate approval process which is independent from State or Local legislation and separate to Council's Development application process [See Appendix 1 (8)].

For more information and guidelines as to what is required under this referral and approval process, contact the Department of Environment and Heritage at [www.deh.gov.au/epbc/](http://www.deh.gov.au/epbc/).

## E. FURTHER REFERENCES

Further information can be sought from the following organisations;

- Hornsby Shire Council [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au)  
Planning Division  
Tel. (02) 9847 -6770
- NSW Department of Environment and Conservation [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.threatenedspecies.environment.nsw.gov.au](http://www.threatenedspecies.environment.nsw.gov.au)  
DEC's Environment Line 131 1555
- Rural Fire Service (Planning For Bushfire Protection) [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)
- NSW Department of Planning [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)
- NSW Department of Natural Resources [www.dlwc.nsw.gov.au](http://www.dlwc.nsw.gov.au)

### Further information can be available from:

- For copies of legislation - the Government Information Bookshop, NSW (Tel. 9238 0950) or from the internet on [www.austlii.edu.au](http://www.austlii.edu.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
- The DEC web site. The site address is: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)
- NSW Native Vegetation Map [www.maps.environment.nsw.gov.au/stateveg](http://www.maps.environment.nsw.gov.au/stateveg)
- The NPWS Atlas of NSW Wildlife. This is a database that contains information on the known locations of threatened flora and fauna in NSW (NB. only generalised data will be made available to the public);
- Information and guidelines for creek line restoration can be sourced from the NSW Department of Natural Resources; [www.dlwc.nsw.gov.au](http://www.dlwc.nsw.gov.au)

### Resources Available From Hornsby Shire Council

- *Biodiversity Conservation Strategy for Hornsby Shire*(2004) Available on Council's website
  - *ESP Ecological Surveys & Planning, (1999), Executive Summary of the Hornsby Shire Threatened Biota Conservation Plan.*
  - Smith & Smith, (1990), *Hornsby Shire Bushland Survey* \*
  - Smith & Smith, (1990), *Vegetation and Fauna of Berowra Valley Bushland Park* \*
  - Smith & Smith, (1993), *Vegetation and Fauna of Pennant Hills Park* \*
- \* = subject to a fee

## APPENDIX 1 – LEGISLATIVE REQUIREMENTS\*

### Legislative Requirements in relation to native vegetation and threatened species when a Development Application is lodged with Hornsby Shire Council

#### 1. *Environmental Planning and Assessment Act (1979)*

Consideration of s5A and s79C(1) of the *Environmental Planning and Assessment Act (EP&A Act) (1979)* is required for all development applications.

s.5a: Lists factors, which must be taken into account by a consent authority considering a development application under Part 4 or an activity controlled by Part 5 when deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

s.79C(1): This section lists the matters for consideration by Council when assessing development applications.

(a) The provisions of:

- (i) any environmental planning instrument;
- (ii) any draft environmental planning instrument;
- (iii) any development control plan; and
- (iv) any matters prescribed by the Environmental Planning and Assessment Regulation 1998.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

(c) The suitability of the site for the proposal.

(d) Any submissions made in accordance with the *EP&A Act* or the regulation.

(e) the public interest.

#### 2. *Threatened Species Conservation Act (1995)*

The *Threatened Species Conservation Act (TSC Act), (1995)*, relates to all threatened species, populations or ecological communities, or their habitats, which are native to NSW. Under the *TSC Act* there are three schedules as outlined below;

Schedule 1	Schedule 2	Schedule 3
Endangered Species	Vulnerable species	Key threatening processes
Endangered Populations	Vulnerable ecological communities	
Critically Endangered Ecological Communities		
Endangered Ecological Communities		
Species Presumed Extinct		

The *TSC Act* has allowed for the integration of the conservation of threatened species into the development control process under the *EP&A Act*. Therefore, all development applications

need to consider the presence of and address the likely or potential impacts on threatened species, populations or ecological communities, or their habitats. The Act also allows for determination of areas of *Critical Habitat* under Part 3 of the Act. There are **no** areas of Critical Habitat within Hornsby Shire.

### **3. State Environmental Planning Policy No. 19 (SEPP 19)**

SEPP 19 is a policy with the general aim of protecting and preserving bushland within urban areas. Bushland is defined in the Policy as “*land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still or may be representative of the structure and floristics of the natural vegetation*”. The policy applies to all land in the Hornsby Shire except land dedicated or reserved under the *National Parks and Wildlife Act 1974* or the *Forestry Act 1916*.

A person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council.

For land containing bushland, Council shall not consent to a development unless:-

- it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this policy;
- it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland; and
- it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as possible.

For land adjoining bushland, Council shall not consent to a development unless it has taken into account:-

- the need to retain any bushland on the land;
- the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland; and
- any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

### **4. State Environmental Planning Policy No. 44 (SEPP 44)**

SEPP 44 is a policy that aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for the Koala (*Phascolarctos cinereus*). The known present geographical distribution of the Koala in NSW is fragmented and most of the populations appear to be small and isolated. Many occur where they are increasingly susceptible to habitat loss or modification, predation and exposure to drought, disease and bushfire.

The policy must be considered when lodging a development application for land that:

- has an area of more than one hectare; or
- has, together with any adjoining land in the same ownership, an area of more than one hectare,  
whether or not the development application applies to the whole, or only part, of the land.

The following steps are required to be addressed under SEPP 44.

Step 1: - Is the land potential Koala habitat?

Potential Koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 of the Policy constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

If the land is not potential Koala habitat then this policy no longer needs to be considered. If it is, then you must proceed to the next step.

Step 2: - Is the land core Koala habitat?

Core Koala habitat means an area of land with a resident population of Koalas, evidenced by attributes such as breeding females and recent sightings of and historical records of a Koala population.

For sites identified as potential Koala habitat but not as core Koala habitat, consideration must still be given to whether there are any Koalas present as the Koala is listed as a Vulnerable species under Schedule 2 of the *Threatened Species Conservation Act (1995)*.

For sites identified as core Koala habitat a plan of management must be prepared in accordance with the Policy.

**5. Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River 1996 (SREP 20)**

SREP 20 is a plan that aims to protect the environment of the Hawkesbury-Nepean River system by providing a regional framework for controlling the impacts of future land uses. The plan must be considered for any development application lodged for lands within the Hawkesbury-Nepean catchment, which, in Hornsby Shire, includes the catchments of Berowra Creek, Marramarra Creek, Colah Creek and the western catchment of Cowan Creek.

The Plan is a very comprehensive document and the full matters of consideration are too detailed to list here. However, the general planning considerations are:

- a) the aims of this plan and of the Hawkesbury-Nepean Environmental Planning Strategy;
- b) whether there are any feasible alternatives to the proposed plan, development or proposal concerned; and
- c) the relationship between the different impacts of the proposed plan, development or proposal and the environment, and how those impacts will be monitored and (if they will be adverse) mitigated.

The flora and fauna report will have to address any issues that are raised in the Plan, including but not limited to, issues raised under the more specific policies and recommended strategies under the following headings:

- total catchment management
- environmentally sensitive areas
- water quality and quantity
- flora and fauna
- riverine scenic quality

## ***6. Hornsby Shire Council Development Control Plans (DCP)***

Development Control Plans prepared by Hornsby Shire Council, contain elements pertaining to environmental protection, bushland, native plant communities, riparian buffer zones and fauna habitat. Refer to Council's Planning Division for any relevant DCPs which may apply. The Flora and Fauna report should reference any relevant DCP

## ***7. Hornsby Councils Landscape Code***

The Hornsby Council Landscape Code can assist in the preparation of Landscape Plans and also outlines Council's policy and goals in regard to landscaping and the use of native plants. This is available on Council's web site – [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au)

## ***8. Planning for Bushfire Protection (NSW Rural Fire Service)***

Creation of Bushfire Asset Protection Zones to protect inhabitable buildings from bushfire. Asset Protection Zones must be maintained by the property owner in accordance with Planning For Bushfire Protection (<http://www.rfs.nsw.gov.au>) and generally include an Inner Protection Area a specified width around the building plus a 10 metre Outer Protection Area. Although some vegetation is removed to create an Asset Protection Zone, clearing is prohibited and patches of vegetation, low ground cover and spaced trees are to be retained.

## ***9. Commonwealth Environment Protection and Biodiversity Conservation Act (1999)***

The Environment Protection and Biodiversity Conservation Act gives the Commonwealth an approval role for certain kinds of development which are considered to be of national environmental importance. This Act came into effect in mid-2000 and outlines objectives for protecting matters of national environmental significance. **This Act does not form part of Council's development assessment process.**

Under its provisions, actions, such as those associated with a development application, that are likely to have a significant impact on a matter of national environmental significance are subject to a rigorous assessment and approval process by the Commonwealth. The applicant has the responsibility to refer the development application to the Commonwealth - Environment Australia, Canberra.

There are seven matters of national environmental significance under the EPBC Act:

- World Heritage properties;
- National Heritage places;
- Wetlands of international importance (Ramsar Wetlands);
- listed threatened species and ecological communities;
- listed migratory species;
- the Commonwealth marine area; and
- nuclear actions, including uranium mining.

If Council's own developments are likely to have a significant effect on matters of national environmental significance, then it must seek approval from the Commonwealth Government. It should be noted that a number of the threatened species that occur in the Hornsby Shire are listed in the EPBC Act. The website to check on all nationally listed items is [www.deh.gov.au](http://www.deh.gov.au)

## APPENDIX 2: GLOSSARY OF TERMS \*

(\* The definitions are taken from NPWS Information Circular No. 2: Threatened Species Assessment under the EP&A Act, unless otherwise stated)

<b>Activity</b>	(a) the erection of a building; (b) the carrying out of a work in, on, over or under land; (c) the use of land or of a building or work; (d) the subdivision of land; (e) any act, matter or thing prescribed in an environmental planning instrument under s26 of the <i>EP&amp;A Act</i> as an activity, but does not include any act, matter or thing for which development consent under Part 4 is required or has been obtained or is prohibited under the environmental planning instrument.
<b>Asset Protection Zone</b>	an area surrounding an asset, such as a house, where fuel has been reduced to a level that will no longer support bushfires.
<b>Bushland</b>	Land on which there is vegetation which is either a remainder of the natural vegetation of the land or is still representative of the structure and floristics of the natural vegetation (as per SEPP 19).
<b>Consent authority</b>	In relation to a development application means; (a) the Council having the function to determine the application; (b) the Minister, public authority (other than Council) or Director-General of Urban Affairs and Planning where specified in an environmental planning instrument.
<b>Conservation reserve</b>	Those areas gazetted as National Parks, Regional Parks, Nature Reserves and State Recreation Areas under the <i>National Parks and Wildlife Act (1974)</i> , and those areas designated as Flora Reserves under the <i>Forestry Act (1916)</i> .
<b>Critical habitat</b>	Habitat declared to be critical under Part 3 of the <i>TSC Act</i> .
<b>Critically endangered ecological community</b>	As identified as such in Schedule 1 of the <i>TSC Act</i> .
<b>Determining authority</b>	Means a Minister or public authority; (a) by or on whose behalf an activity is to be carried out; or (b) whose approval is required in order to enable the activity to be carried out.

<b>Development</b>	In relation to land, means; a) the erection of a building on that land; (b) the carrying out of a work in, on, over or under land; (c) the use of land or of a building or work on that land; (d) the subdivision of land.
<b>Development application</b>	An application for consent under Division 1 of Part 4 of the <i>EP&amp;A Act</i> , to carry out development.
<b>Ecological community</b>	An assemblage of species occupying a particular area.
<b>Endangered ecological community</b>	As identified as such in Schedule 1 of the <i>TSC Act</i> .
<b>Endangered population</b>	A population identified as such in Part 2 of Schedule 1 of the <i>TSC Act</i> .
<b>Endangered species</b>	A species identified as such in Part 1 of Schedule 1 of the <i>TSC Act</i> .
<b>Fauna</b>	Animal life
<b>Flora</b>	Plant life
<b>Habitat</b>	An area or areas occupied, or periodically or occasionally occupied, by a species, population or ecological community and includes any biotic or abiotic component.
<b>Indigenous species</b>	Flora and fauna that naturally occur at a particular locality.
<b>Key threatening process</b>	A threatening process identified as such in Schedule 3 of the <i>TSC Act</i> .
<b>Likely</b>	Is taken to be a real chance or possibility.
<b>Lifecycle</b>	The sequence of events from the origin as a zygote to the death of an individual.
<b>Limit of its geographic range</b>	the final or furthest boundary or point that a plant or animal species continues or extends to, in relation to the known geographical extent of distribution of that species.
<b>Local population</b>	a population that occurs within the study area, unless the existence of contiguous or proximal occupied habitat and the movement of individuals or exchange of genetic material across the boundary of the study area can be demonstrated.
<b>Population</b>	A group of organisms, all of the same species, occupying a particular area.
<b>Region</b>	A bioregion defined in a national system of bioregionalisation that is determined (by the Director-General by order published in the Gazette) to be appropriate for those purposes.

<b>Risk of extinction</b>	A species is at risk of extinction if its numbers are reduced to such a critical level, or its habitats have been so drastically reduced, that it is in danger of becoming extinct.
<b>Significant Species</b>	Is taken to mean important, weighty or more ordinary. Animal or plant and includes any defined sub-species and taxon below a sub-species and any recognisable variant of a sub-species or taxon.
<b>Study area</b>	The subject site and any additional areas which are likely to be affected by the proposal, either directly or indirectly.
<b>Threatened biota</b>	Refers to all threatened species, populations and ecological communities listed under the <i>TSC Act</i> .
<b>Threatening process</b>	A process that threatens, or may have the capability to threaten, the survival or evolutionary development of species, populations or ecological communities.
<b>Viable population</b>	A population that has the capacity to live, develop and reproduce under normal conditions.
<b>Vulnerable species</b>	As identified as such in Schedule 2 of the <i>TSC Act</i> .
<b>Vulnerable ecological communities</b>	As identified as such in Schedule 2 of the <i>TSC Act</i> .