

Threatened species assessments

Fact Sheet

WaterNSW performs a threatened species assessment on applications received for approval in alignment with the *Biodiversity Conservation Act 2016*. This fact sheet has been developed to help you understand the application process and areas of considerations.

Threatened species assessments overview

Nearly 1,000 animal and plant species are at risk of extinction in NSW. The *Biodiversity Conservation Act 2016* and its regulations is the key legislation that identifies and protects threatened species, populations and ecological communities in NSW.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) maintains public registers listing threatened species, habitat and actions that involve, or impact threatened species. Plants and animals may be listed as vulnerable, endangered, critically endangered or presumed extinct, depending on the level of threat to its existence.

WaterNSW assists with implementing this legislation by performing a threatened species assessment on applications received for approvals.

How do we assess your application?

WaterNSW will assess your application to check if there will be any impacts on threatened species or habitats. The assessment process will differ depending on whether a development consent is required for the licence or work. The two possible assessment types are outlined below.

Assessment types

① No development consent required

This applies to basic landholder rights (BLR) bore applications.

Submit your application using the [Customer Portal](#). WaterNSW will check relevant databases to identify potential impacts on threatened species. If granted, your approval may contain conditions that limit activity such as a new road to a bore or dam site, tree, or vegetation clearing.

② Permissible with consent

This applies to irrigation areas and pumps, as well as works being used for a commercial development such as a feedlot or piggery.

If you are planning an activity of this type, check with your local council to determine if a development consent is required.

If development consent is required but not yet obtained, lodge the application with your local council through the [NSW Planning Portal](#). The council will send your application to WaterNSW as an approval body. A threatened species assessment will occur as part of the WaterNSW assessment under the Integrated Development application process.

What if a threatened species, ecological community, or habitat impact is identified?

Where there is a chance that, if approved, your application will impact on a threatened species, ecological community, or habitat, WaterNSW will contact you to discuss an alternate location for the work. If there is no alternative, you will be advised of the next steps and you may need to provide a report from a suitably qualified person (e.g. environmental consultant).

This report will describe the nature of the impact which will then be assessed under the *Biodiversity Conservation Act 2016* through a **Test of Significance**. This test determines if a development or activity will significantly affect threatened species, ecological communities, or their habitats.

The test of significance considers factors such as:

- impacts on species life-cycle risking the viability of a population
- adverse effects on the composition of an ecological community
- modification of habitat leading to fragmentation, or isolation
- impacts on areas of outstanding biodiversity value



WaterNSW will advise you if you need to access an environmental consultant or other qualified person.

Does your application involve tree clearing?

If your application involves tree clearing under the *Local Land Services Act 2013*, you should seek approval or an exemption under this Act. If your application is deemed permissible without consent, you can then apply to WaterNSW following tree clearing.

Your application will then be assessed against the *Environmental Planning & Assessment Act 1979*. Contact [NSW Land Registry Services](#) (LRS) for further information.

Finalising your application

WaterNSW will advise you on the outcome of your application. A range of conditions may be attached to your Statement of Approval.

Conditions are applied to mitigate or minimise environmental impacts of a work or activity. The holder of the approval is responsible for ensuring they comply with the conditions.

Enforcement action may be taken by a regulatory authority such as the Natural Resources Access Regulator (NRAR).

Need help?

If you need more information, please contact our Customer Service Centre on 1300 662 077, Monday to Friday between 8am-5pm or email Customer.Helpdesk@waternsw.com.au

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