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Ecological Assessment: DA modification for dwelling on Lot 1, 7 Trentwood Park, Avalon

Dear Joel,

It is our understanding that Stothard Projects are preparing a Development Application (DA) modification for an approved dwelling on Lot 1, consistent with the Masterplan/Concept Plan for the subdivision of 7 Trentwood Park, Avalon (Lot 1 DP 202857) as approved by the Land and Environment Court (LEC) in 2017.

The purpose of this letter is to supplement the existing Flora and Fauna Assessment (Ref: 17043RP1) prepared by Cumberland Ecology for the Masterplan/Concept Plan and LEC proceedings as well as the updated ecological assessments prepared by Cumberland Ecology (Ref: 19019–Let2, 19019–Let3 and 19019–Let4), and to provide a comparative summary of impacts to native vegetation, threatened species and their habitat as a result of modified plans for the proposed dwelling on Lot 1 within the subdivision.

An ecological assessment is provided in **Appendix A**, and a figure showing the comparative extent of impacts with the currently approved plan and the proposed modification is provided at the end of this letter.

Yours sincerely,



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Senior Project Manager/Ecologist
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APPENDIX A :

Ecological Assessment: Lot 1, 7 Trentwood Park, Avalon



A.1. Background

The subject land comprises Lot 1 DP 202857 and is located at 7 Trentwood Park, Avalon Beach in the Northern Beaches Local Government Area (LGA). The subject land is approximately 0.54 ha in area and is bound by Trentwood Park to the east, and residential dwellings to the north, south and west. The subject land is currently utilised as a residential lot with open space and gardens.

Cumberland Ecology Pty Ltd (Cumberland Ecology) was commissioned in 2017 by Jim & Margot Dargaville (the Client) to conduct a Flora and Fauna Assessment (Ref: 17043RP1) to support a Development Application (DA) and to comply with contentions to a former DA at 7 Trentwood Park, Avalon. This DA, as approved by the Land and Environment Court (LEC), proposed the subdivision of the subject land into three lots, referred to as Lot 1, Lot 2 and Lot 3.

The previous three-lot subdivision would have resulted in the complete clearance of approximately 0.15 ha of vegetation throughout the development footprint of all three lots. This land consists of approximately 0.14 ha of Coastal Enriched Sandstone Moist Forest and approximately 0.01 ha of Urban Native/Exotic Vegetation. The remaining area was proposed to be partially cleared and managed as the requisite asset protection zone (APZ), comprising a 0.3 ha area of Coastal Enriched Sandstone Moist Forest and a 0.09 ha area of Urban Native/Exotic vegetation across the three proposed lots.

Following the approval of this DA, a modification was submitted and subsequently approved under DA MOD2020/0344 which included the further subdivision of Lot 2 (into Lot 2 and Lot 4) and minor modifications to the layout of the development footprints within Lot 1 and Lot 3 (Ref: 19019–Let2, 19019–Let3 and 19019–Let4). Further modifications to the development footprint have been proposed within Lot 1, and this report addresses the potential impacts of the new modifications.

The Flora and Fauna Assessment and supplementary ecological assessments prepared by Cumberland Ecology concluded that no significant impacts are predicted to occur to threatened species, populations or communities as a result of the proposed development across all four lots. Therefore the preparation of a Species Impact Statement, under the former NSW *Threatened Species Conservation Act 1995* (TSC Act) or a Biodiversity Development Assessment Report (BDAR), under the NSW *Biodiversity Conservation Act 2016* (BC Act) were not warranted. A referral to the Commonwealth Department of the Environment, under the EPBC Act was also not required.

A.2. Development Application

The currently approved DA (MOD2020/0344) involves a subdivision of the subject land from one lot into four lots, with the construction of a shared driveway and the establishment of an easement for services and drainage.

The approved development within Lot 1, is proposed to be modified as follows:

- The lot boundaries between Lot 1 and Lot 2 have been re-aligned; and
- There are minor modifications to the layout of the development footprint of the proposed house on Lot 1.

This assessment letter focuses on the DA modification for the proposed dwelling within Lot 1 only.

A.2.1. Current Approved Plan

The proposed Lot 1 is comprised of Coastal Enriched Sandstone Moist Forest and Urban Native/Exotic vegetation. Under the approved DA, a total of 0.03 ha of Coastal Enriched Sandstone Moist Forest would be removed from Lot 1 for the development footprint whilst 0.05 ha of Coastal Enriched Sandstone Moist Forest and a very small area (0.002 ha) of Urban Native/Exotic vegetation will be partially cleared/modified for the APZ.

No locally occurring threatened flora species, listed under the BC Act or EPBC Act were recorded or are considered to have the potential to occur within the subject site. Therefore, the proposed development is not considered to result in a significant impact upon threatened flora species. Whilst several threatened fauna species were considered to have the potential to access foraging resources within the subject land as part of a larger foraging range, the subject land is not considered likely to exclusively support any local populations. Subsequently the approved plan was not considered to result in significant impacts to threatened fauna species listed under the TSC Act or EPBC Act.

A.2.2. Proposed Development Application

The proposed DA modification involves the realignment of the lot boundary between Lot 1 and Lot 2 as well as modification to the proposed dwelling within Lot 1. The realigned lot as well as the layouts of the approved DA (indicated as the 'Approved Development Footprint') and the proposed dwelling (indicated as the 'Proposed Development Footprint') within Lot 1 are shown in **Figure 1**.

The proposed dwelling features a marginally larger development footprint for the proposed house, and requires the removal of approximately 0.04 ha of Coastal Enriched Sandstone Moist Forest vegetation (an increase from 0.03 ha). The extent of partial clearing/modification for the APZ has decreased from that which has been approved to approximately 0.04 ha of Coastal Enriched Sandstone Moist Forest (a reduction of 0.01 ha) and no area of Urban Native/Exotic Vegetation (a reduction of 0.002 ha) will be cleared as part of proposed modification. As the clearing footprint has only been subject to minor changes from the approved plan, the potential impacts upon threatened flora and fauna listed under the BC Act or EPBC act are considered to remain the same. **Table 1** below shows a comparison of the impacts on vegetation associated with the 'Approved Development Footprint' and the 'Proposed Development Footprint'.

Table 1 Comparison of the impacts on vegetation associated with the 'Approved Development Footprint' and the 'Proposed Development Footprint'

Vegetation Community	Approved Development (ha)		Proposed Development (ha)	
	Development Footprint	APZ	Development Footprint	APZ
Coastal Enriched Sandstone Moist Forest	0.03	0.05	0.04	0.04
Urban Native/Exotic Vegetation	0.00	0.002	0.00	0.00
Total	0.03	0.052	0.04	0.04

A.2.3. Relevant Legislation

The ecological assessment for the development, as approved by the LEC, was conducted under the planning provisions of the TSC Act. Under the NSW Land Management and Biodiversity Conservation reform, the TSC Act has been repealed and replaced by the BC Act. The BC Act is now in force and applies to modifications to existing approvals, including modifications to DAs approved under TSC Act and therefore applies to the current proposed modification application for Lot 1.

Under the BC Act, a BDAR is required if the proposed development triggers specific thresholds that require entry into the Biodiversity Offsets Scheme (BOS). These include:

- It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test of significance in Section 7.3 of the BC Act;
- It is carried out in a declared area of outstanding biodiversity value (AOBV);
- It exceeds the biodiversity offsets scheme threshold according to Clause 7.1 of the NSW *Biodiversity Conservation Regulation 2019* (BC Regulation), with the thresholds being:
 - The clearing of native vegetation of an area above a prescribed threshold based on the minimum lot size; or
 - The clearing of native vegetation, or other prescribed action, on land included on the Biodiversity Values Map.

Assessments of significance were prepared under the TSC Act as part of the Flora and Fauna Assessment which concluded that the proposed development was unlikely to result in a significant impact on threatened species or ecological communities, or their habitats. Although these were completed in accordance with the guidelines under the TSC Act, the conclusions made are still considered to be relevant and no additional Tests of Significance under the BC Act are considered to be required. Furthermore, the proposed development is not located within a declared area of outstanding biodiversity value.

An assessment against the BOS thresholds concluded that the proposed development modification will not trigger the area clearing thresholds, however, does exceed the BOS threshold as clearing of native vegetation for both the modified, and approved development footprints, is required on land that is mapped on the Biodiversity Values Map (BV Map).

Although a BDAR is technically required to support the DA, the proposed modification application within Lot 1 will result in a similar impact footprint as that for the approved DA and is not considered to increase the impact on biodiversity values of the subject site as outlined in **Section A.2.1** and **Section A.2.2**.

A.3. Conclusion

Due to the extremely similar nature of impacts between the proposed modifications and the approved development plan, the proposed modification application is not considered to increase impacts on biodiversity

values within Lot 1. Within the proposed Lot 1 boundaries, impacts to biodiversity are consistent with the former Flora and Fauna Assessment (Ref: 17043RP1) as well as the supplementary ecological assessments (Ref: 19019–Let2, 19019–Let3 and 19019–Let4) produced by Cumberland Ecology. As such, the conclusions of previous ecological assessments are considered to still be relevant, and no significant impact is considered likely to occur to threatened flora, fauna or ecological communities as a result of the proposed DA modification.

FIGURES



Figure 1. Proposed Lot 1 vegetation impact comparison