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Narla Environmental Pty Ltd

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3rd June, 2021

Re: Alterations and additions to existing dwelling house and new attached secondary dwelling. Application No: PLM2020/0255

Dear Reg,

Please find enclosed Narla's response to notes provided by Northern Beaches Council pertaining to the Development Application for 71 Alexandra Crescent Bayview, NSW (Lot 20/DP11186; the 'Subject Site'; **Figure 1**).

Particulars:

a) The potential impacts to the native vegetation and trees that are characteristic of the endangered ecological community Pittwater Spotted Gum Forest is to be assessed. The Biodiversity Conservation Act establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme. The requirements of the Biodiversity Conservation Act, together with the Biodiversity Conservation Regulation 2017, should be addressed including whether or not the Biodiversity Offset Scheme applies to the proposed development.

The requirements of the BC Act and Biodiversity Conservation Regulation 2017 are mandatory for all development applications assessed pursuant Part 4 of the EP&A Act submitted in the Northern Beaches Council Local Government Area. The Subject Site has been partially mapped as containing biodiversity values within the Biodiversity Values Map (NSW DPIE 2021; **Figure 1**). However, the proponent has positioned the proposed development so as to avoid impacting any native trees characteristic of the Pittwater Spotted Gum Endangered Ecological Community Endangered Ecological Community (Reggie's 2020, Horticultural Management Services 2021). Moreover, the arboricultural report (Horticultural Management Services, 2021) reports that all existing native trees are to be retained onsite and are not likely to be impacted indirectly by the proposed development as long as safeguards (tree protection measures) are put in place. As a result, the Biodiversity Offset Scheme has not been triggered and does not apply.

b) The proposed development should avoid and minimise impacts to the EEC, however if the impacts to trees and native vegetation cannot be avoided an assessment of significant (5-part test) for removal/modification of native vegetation characteristic of Pittwater Spotted Gum Endangered Ecological Community is required, and should be prepared by a suitably qualified ecological consultant. The assessment should state whether or not the Biodiversity Offset Scheme applies to the proposed development.

The proponent has sited the proposed development in a location that will not require the removal of trees that are characteristic of the Pittwater Spotted Gum EEC. The vegetation to be impacted consists of landscaped areas with exotic plantings. Large remnant spotted gums and remnant bushland in the south-western extent of the Subject Site will be retained. As such, an assessment of significance (5-part test) is not required as part of the proposed development.

c) The SEE should also address the objectives and requirements of:

- **Pittwater LEP cl 7.6 Biodiversity:**

Clause 7.6 Biodiversity

- The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—

- protecting native fauna and flora, and
 - protecting the ecological processes necessary for their continued existence, and
 - encouraging the conservation and recovery of native fauna and flora and their habitats.
- This clause applies to land identified as “Biodiversity” on the Biodiversity Map.
- Before determining a development application for development on land to which this clause applies, the consent authority must consider—
 - whether the development is likely to have—
 - any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - any adverse impact on the habitat elements providing connectivity on the land, and
 - any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development has been designed and sited to avoid and minimise disturbance to ecological value and native flora and fauna. The proposed alterations and additions will not require the removal of any native vegetation particularly any trees that are representative of the Pittwater Spotted Gum EEC. The proposed works will require the removal of landscaped areas with exotic plantings directly adjacent to the existing dwelling and hardstand areas. As such, the proposed works will not further fragment, disturb or diminish the biodiversity structure, function and composition of the land or compromised vegetation connectivity.

▪ ***P21 DCP B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community,***

The Subject Site is mapped as containing the Pittwater Spotted Gum Forest - Endangered Ecological Community. Therefore, Section B4.7 of the DCP and the following controls apply to the proposed development:

- Development shall not have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community;
- Development shall restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants;
- Development shall be in accordance with any Pittwater Spotted Gum Forest Recovery Plan;
- Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees;
- Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations;
- Caretakers of domestic animals shall prevent them from entering wildlife habitat;
- Fencing shall allow the safe passage of native wildlife;
- Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community); and
- Development shall ensure any landscaping works are outside areas of existing Pittwater Spotted Gum Endangered Ecological Community and do not include Environmental Weeds.

The proposed development will not adversely impact on Pittwater Spotted Gum EEC as no vegetation from this community will be removed or modified. Therefore, no onsite loss of canopy cover or native canopy trees will occur. The proposed development is sited directly adjacent to an existing dwelling and hardstand areas. Vegetation to be impacted includes heavily modified and landscaped areas. All remnant bushland towards the southwest of the Subject Site will be retained.

A landscape plan will be provided which will outline the planting of at least 80% native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community), enhancing habitat and wildlife corridors for locally native species, threatened species and endangered populations. The landscape plan will not include the planting of any Environmental Weeds and will occur outside areas of existing Pittwater Spotted Gum EEC.

Yours sincerely,

Ellena Tsanidis – Ecologist

Jack Tatler – General Manager / Senior Ecologist

Narla Environmental Pty Ltd

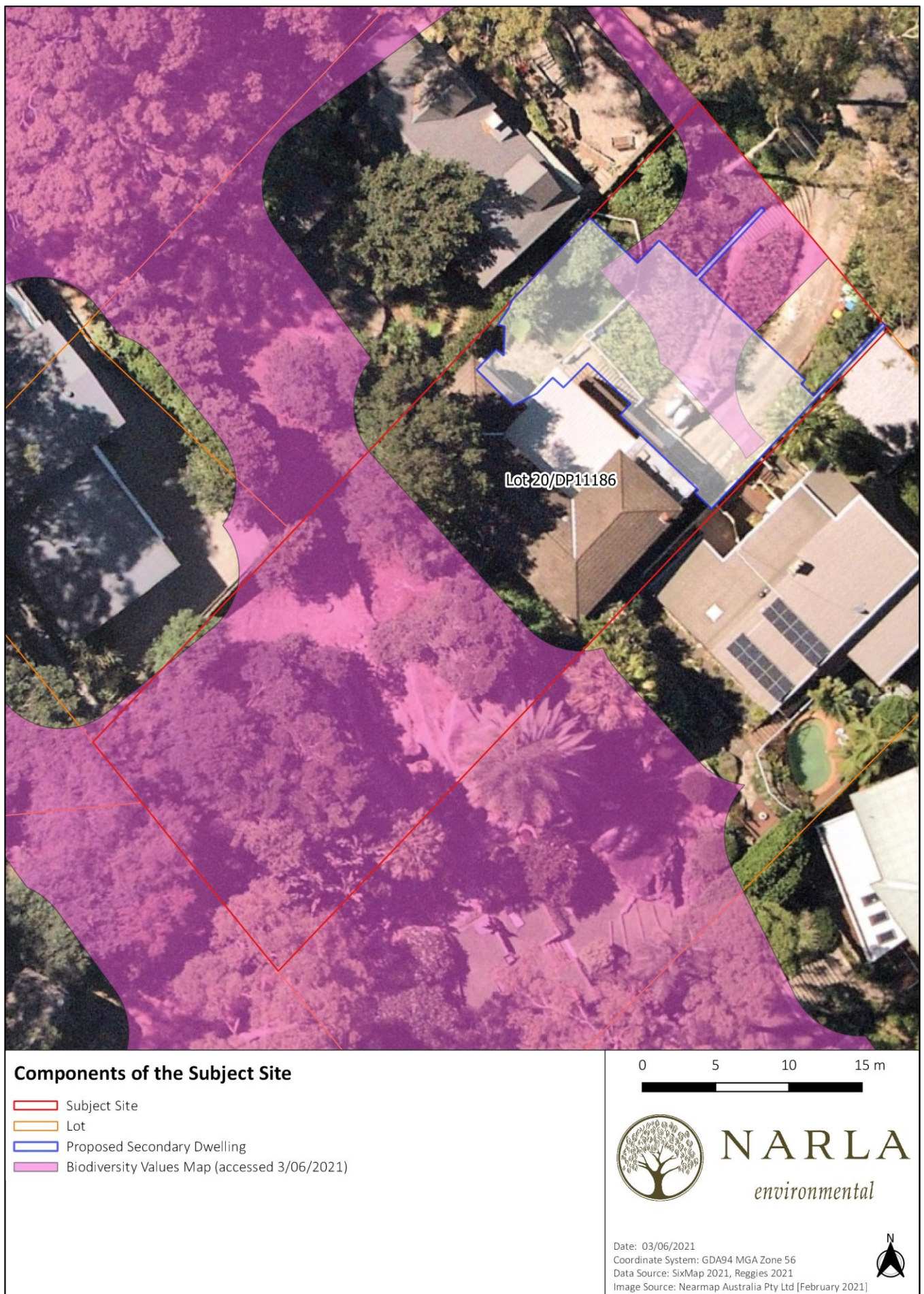


Figure 1. The Subject Site and proposed development footprint.

References

Horticultural Management Services 2021, Arboricultural Impact Assessment and Tree Management Plan.

NSW Department of Planning, Industry and Environment (DPIE) (2021) Biodiversity Values Map and Threshold Tool.
<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements/biodiversity-values-map>

Reggie's Residential Design and Drafting (2020) Proposed Alterations and Granny Flat, 71 Alexandra Crescent Bayview NSW 2104