

17<sup>th</sup> June 2021

Joe Davidson Town Planning  
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**Submission for Secondary Dwelling, 234A Bangalow Rd, Byron Bay.**

**1. Background**

Biodiversity Assessments & Solutions Pty Ltd has completed a biodiversity impact and statutory assessment at 234A Bangalow Rd, Byron Bay. The assessment has been completed to accompany a submission to Byron Shire Council (BSC) which seeks approval for an existing secondary dwelling at 234A Bangalow Rd, Byron Bay.

The area identified as accommodating the proposal is defined as the 'development footprint', which for the purposes of this assessment includes the secondary dwelling and requisite Asset Protection Zone (APZ). A small area of mapped coastal wetland extends into the southern and eastern extent of the subject land, with the remaining portion of the subject land mapped as occurring within the proximity area to coastal wetlands layer. An area mapped on the Biodiversity Values Map occurs through the development footprint (Attachment B Figure 1).

**2. Direct and indirect impacts of the proposal**

The development footprint was surveyed on the 5<sup>th</sup> of June 2021 following a review of the submission documents and a detailed desktop assessment, to ascertain if the proposal was likely to cause direct or indirect impacts on the biodiversity values of the subject land or adjacent areas.

The following key points regarding the proposal are provided:

- The development footprint contains an existing residential dwelling (requiring approval), bitumen driveway, planted landscaped gardens and managed lawn;
- The secondary dwelling for which approval is sought appears to have been constructed in the late 1980's, with only minor modifications to the structure required now to meet BASIX and BAL 29 specifications for approval;
- No native vegetation or other areas of habitat would be impacted directly or indirectly as a result of the necessary dwelling modifications;
- No excavation, fill or other earthworks are required to accommodate the proposal;
- An Asset Protection Zone (APZ) has been identified as being required to comply with Planning for Bushfire Protection 2019 (Attachment B Figure 2);
- The APZ requirements for the secondary dwelling are already satisfied, and no impacts to native vegetation would be necessary to establish or maintain the APZ; and
- No other works are required for the proposal, and therefore the sum of impacts attributable to the proposal are considered to be negligible.

### 3. Statutory assessment of the proposal

The proposal has been (i) examined in the context of the most relevant environmental legislation and planning instruments; (ii) assessed based on the subject land attributes, threatened species records, vegetation condition and habitat potential; and assessed based on the likely direct and indirect impacts from the works required and directly attributable to the proposal.

Key legislation and planning instruments assessed and of most relevance include the:

- Biodiversity Conservation (BC) Act 2016;
- Biodiversity Conservation (BC) Regulation 2017;
- State Environmental Planning Policy (SEPP) (Koala Habitat Protection) 2021; and
- State Environmental Planning Policy (SEPP) (Coastal Management) 2018.

Other applicable legislation relating to the proposals are assessed within the relevant submission documents accompanying the proposal.



*Plate 1: The requisite APZ extends to the managed lawn, south of the bitumen driveway access (left in photo).*

#### 3.1 Biodiversity Conservation Act 2016

Section 7.2 of the BC Act 2016 provides that development under the EP&A Act 1979 is likely to significantly affect threatened species if:

- (a) It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in Section 7.3, or
- (b) The development exceeds the biodiversity offsets scheme (BOS) threshold if the BOS applies to the impacts of the development on biodiversity values, or
- (c) It is carried out in a declared Area of Outstanding Biodiversity Value (AOBV).

One ( $n = 1$ ) planted nursery specimen<sup>1</sup> of the threatened flora species, Rough-shelled Bush Nut (*Macadamia tetraphylla*), listed under the BC Act 2016 was recorded at the subject land within the development footprint. However, as no works are required to facilitate the proposal, it is considered that no threatened flora species would be impacted by the proposal.

Vegetation within the development footprint contains minimal tree species, (i.e., Broad-leaved Paperbark) commonly found within the vegetation community listed in Schedule 2 of the BC Act 2016 as a threatened ecological community (TEC), namely the endangered ecological community (EEC) *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions*. However, as this vegetation is a planted landscaped garden, contains planted exotics, and contains an absence of understorey or midstorey species representative of this EEC, it is considered that vegetation within the development footprint is not as described in the final Scientific Committee determination.



Plate 2: Vegetation within the APZ consists of managed landscaped gardens and mown lawn.

No threatened fauna species were recorded, although extensive targeted surveys for all fauna classes were not undertaken. The subject land, and particularly the development footprint, contains little valuable habitat for threatened fauna species listed under the BC Act 2016; however, valuable habitat does occur proximal to the site to the east and south particularly, which would not be impacted by the proposal.

A subject land suitability assessment was undertaken for those species recorded within 1 km of the development footprint (Table 1) and with respect to the likely direct and indirect impacts to be expected as a result of the proposal, which have been identified as being negligible.

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<sup>1</sup> Specimen had characteristics of this species, however, was considered to likely be a nursery hybrid.

Table 1: BioNet threatened species records from within 1 km of subject land.

Class	Family	Scientific Name	Common Name	NSW Status	Cth Status
Amphibia	Hylidae	<i>Litoria olongburensis</i>	Olongburra Frog	V,P	V
Amphibia	Myobatrachidae	<i>Crinia tinnula</i>	Wallum Froglet	V,P	
Aves	Accipitridae	<i>Pandion cristatus</i>	Eastern Osprey	V,P,3	
Aves	Burhinidae	<i>Burhinus grallarius</i>	Bush Stone-curlew	E1,P	
Aves	Burhinidae	<i>Esacus magnirostris</i>	Beach Stone-curlew	E4A,P	
Aves	Cacatuidae	<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	V,P,2	
Aves	Columbidae	<i>Ptilinopus magnificus</i>	Wompoo Fruit-Dove	V,P	
Aves	Columbidae	<i>Ptilinopus regina</i>	Rose-crowned Fruit-Dove	V,P	
Aves	Haematopodidae	<i>Haematopus longirostris</i>	Pied Oystercatcher	E1,P	
Aves	Laridae	<i>Sternula albifrons</i>	Little Tern	E1,P	C,J,K
Aves	Procellariidae	<i>Pterodroma leucoptera leucoptera</i>	Gould's Petrel	V,P	E
Aves	Rallidae	<i>Amauornis moluccana</i>	Pale-vented Bush-hen	V,P	
Aves	Tytonidae	<i>Tyto longimembris</i>	Eastern Grass Owl	V,P,3	
Gastropoda	Camaenidae	<i>Thersites mitchellae</i>	Mitchell's Rainforest Snail	E1	CE
Mammalia	Dasyuridae	<i>Planigale maculata</i>	Common Planigale	V,P	
Mammalia	Miniopteridae	<i>Miniopterus australis</i>	Little Bent-winged Bat	V,P	
Mammalia	Muridae	<i>Pseudomys gracilicaudatus</i>	Eastern Chestnut Mouse	V,P	
Mammalia	Phascolarctidae	<i>Phascolarctos cinereus</i>	Koala	V,P	V
Mammalia	Pteropodidae	<i>Syconycteris australis</i>	Common Blossom-bat	V,P	
Mammalia	Vespertilionidae	<i>Nyctophilus bifax</i>	Eastern Long-eared Bat	V,P	
Mammalia	Vespertilionidae	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	V,P	
Reptilia	Cheloniidae	<i>Caretta caretta</i>	Loggerhead Turtle	E1,P	E
Flora	Fabaceae (Caesalpinioideae)	<i>Caesalpinia bonduc</i>	Knicker Nut	E1	
Flora	Fabaceae (Mimosoideae)	<i>Archidendron hendersonii</i>	White Lace Flower	V	
Flora	Lauraceae	<i>Cryptocarya foetida</i>	Stinking Cryptocarya	V	V
Flora	Lauraceae	<i>Endiandra muelleri subsp. bracteata</i>	Green-leaved Rose Walnut	E1	
Flora	Myrtaceae	<i>Rhodamnia rubescens</i>	Scrub Turpentine	E4A	
Flora	Myrtaceae	<i>Rhodomyrtus psidioides</i>	Native Guava	E4A	



Class	Family	Scientific Name	Common Name	NSW Status	Cth Status
Flora	Myrtaceae	<i>Syzygium hodgkinsoniae</i>	Red Lilly Pilly	V	V
Flora	Myrtaceae	<i>Syzygium moorei</i>	Durobby	V	V
Flora	Orchidaceae	<i>Diuris byronensis</i>	Byron Bay Diuris	E1,P,2	
Flora	Orchidaceae	<i>Geodorum densiflorum</i>	Pink Nodding Orchid	E1,P,2	
Flora	Orchidaceae	<i>Pterostylis nigricans</i>	Dark Greenhood	V,P,2	
Flora	Proteaceae	<i>Grevillea hilliana</i>	White Yiel Yiel	E1	
Flora	Proteaceae	<i>Macadamia tetraphylla</i>	Rough-shelled Bush Nut	V	V
Flora	Rutaceae	<i>Acronychia littoralis</i>	Scented Acronychia	E1	E
Flora	Rutaceae	<i>Melicope vitiflora</i>	Coast Euodia	E1	

The ToS set out in Section 7.3 of the BC Act 2016 is based on the footprint and design of the development. Measures that offset or otherwise compensate for the development have not been considered in determining the degree of the developments effect on threatened species or ecological communities.

In determining the nature and magnitude of an impact, the following factors have been considered:

- pre-construction, construction and occupation/maintenance phases;
- all on-site and off-site impacts, including location, installation, operation and maintenance of auxiliary infrastructure and fire management zones;
- all direct and indirect impacts;
- the frequency and duration of each known or likely impact/action;
- the total impact which can be attributed to that action over the entire geographic area affected, and over time;
- the sensitivity of the receiving environment; and,
- the degree of confidence with which the impacts of the action are known and understood.

A ToS as identified under Section 7.3 of the BC Act was considered for those species likely to occur and with some potential to be directly or indirectly impacted by the proposal (Attachment A). The ToS concluded that the proposal for (i) approval of an existing dwelling and (ii) maintenance of an existing compliant APZ, is not likely to result in any direct or indirect impacts to threatened species, populations, ecological communities, or their habitats either on the subject land or beyond.

### 3.1.1 Biodiversity Conservation Regulation 2017

Part 7 of the BC Regulation 2017 prescribes the biodiversity assessment and approvals under the EP&A Act 1979, and details when an activity exceeds a threshold and therefore requires assessment under the Biodiversity Offsets Scheme (BOS). The following three main threshold triggers apply: (i) Area clearing threshold; (ii) Biodiversity Values Map threshold; and (iii) a threatened species ToS.

- (i) Area clearing thresholds (Clause 7.2) depend on the minimum lot size under the relevant LEP,

as defined in Table 2. The proposal is to occur on land zoned DM Deferred Matter under the Byron Local Environmental Plan 2014, with the development footprint encompassing three ( $n = 3$ ) different land zones under the Byron Local Environmental Plan 1988. The existing dwelling seeking approval is contained on land zoned 2(a) Residential Zone, with the requisite APZ being contained part on land zoned 1(a) General Rural Zone and part on land zoned 7(a) Wetlands Zone. The 'Minimum Lot Size Method' identified in the Biodiversity Values Map and Threshold Report (Attachment C) is the smallest minimum lot size included within the subject land, which is 600 m<sup>2</sup> for land zoned 2(a) Residential Zone. The corresponding area threshold of entry into the scheme is therefore considered to be 0.25 ha (Table 2). Given the entire development proposal footprint covers an area approx. 1,000 m<sup>2</sup>, and there are no vegetation impacts required to accommodate the proposal, the area clearing threshold is not exceeded and does not apply.

- (ii) The Biodiversity Values Map threshold (Clause 7.3) is triggered when clearing of native vegetation or additional biodiversity impacts (Clause 6.1) within the Biodiversity Values Map exceeds a threshold. The development footprint intersects an area mapped on the Biodiversity Values Map because of inaccurate mapping which covers areas of bitumen driveway, managed lawns, domestic gardens and part of the existing dwelling. Notwithstanding, the proposal seeks approval for an existing secondary dwelling (constructed > 30 years ago), and an APZ assessed as being compliant. No native vegetation requires removal to accommodate the proposal, nor would there be the expectation of any prescribed impacts occurring within this mapped area. Therefore, no clearing of native vegetation or additional biodiversity impacts would occur within the area mapped on the Biodiversity Values Map. It follows that this threshold does not apply.
- (iii) A threatened species ToS is triggered for all local developments that do not exceed the BOS threshold. If the ToS assessment indicates that there will be a significant impact, this exceeds the threshold, and the proponent must carry-out a BAM assessment. No threatened flora species were identified as likely to be impacted by the proposal, and following a detailed desktop assessment, site habitat assessment and threatened species review, a ToS was undertaken for species recorded within 1 km of the development footprint with the potential to occur and be impacted by the proposal (Attachment A and Attachment B Figure 3). The ToS concluded that the proposal is not likely to result in any direct or indirect impacts to threatened species, populations, ecological communities or their habitats. Therefore, the BOS threshold has not been exceeded and the BOS will not apply.

*Table 2: Area clearing thresholds as stipulated under Part 7.2 of the Biodiversity Conservation Regulation, 2017.*

Minimum lot size of land (ha)	Area of clearing (ha)
Less than 1	0.25 or more
Less than 40 but not less than 1	0.5 or more
Less than 1,000 but not less than 40	1 or more
1,000 or more	2 or more

### 3.2 State Environmental Planning Policy (Koala Habitat Protection) 2021

The SEPP (Koala Habitat Protection) 2021 applies to local government areas (LGA) listed in Schedule 1. Byron is listed as an LGA to which the SEPP applies.

The Byron Coast Comprehensive Koala Plan of Management (KPoM) was approved under the SEPP (Koala Habitat Protection) 2021 in March 2021; therefore Part 2 (cl. 10) of this SEPP applies. Clause 10 (2) states that “The council’s determination of the development application must be consistent with the approved koala plan of management that applies to the land”. The flow chart in the Byron Coast Comprehensive KPoM, indicates that the KPoM applies to the land as the subject land is > 1 hectare in size and is within the Koala planning area.

No Koala habitat has been mapped on the subject land, although suitable habitat occurs in the locality, and the development footprint does not contain any trees listed as preferred Koala food trees in the KPoM. Furthermore, no native vegetation, and particularly no trees identified as being suitable for the Koala would be impacted directly or indirectly as a result of the proposal.

Therefore, neither the SEPP (Koala Habitat Protection) 2021 nor the Byron Coast Comprehensive KPoM prevent granting consent to the development application.

### 3.3 State Environmental Planning Policy (Coastal Management) 2018

The SEPP (Coastal Management) 2018 updates and consolidates into one integrated policy SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection), including clause 5.5. of the Standard Instrument – Principal Local Environmental Plan. These policies are now repealed.

The SEPP (Coastal Management) 2018 gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone.

- Part 2, Division 1, Clause 10 of SEPP (Coastal Management) 2018 reads as:

*Development on certain land within coastal wetlands and littoral rainforests area*

*(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*

*(a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*

*(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*

*(c) the carrying out of any of the following:*

*(i) earthworks (including the depositing of material on land),*

*(ii) constructing a levee,*

*(iii) draining the land,*

*(iv) environmental protection works,*

*(d) any other development.*

*(2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the*

*purposes of the Act.*

*(3) Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in:*

*(a) the relevant certified coastal management program, or*

*(b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or*

*(c) a plan of management approved and in force under Division 6 of Part 5 of the Crown Lands Act 1989.*

*(4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.*

The development footprint, specifically, the existing APZ, marginally intersects an area mapped under the SEPP (Coastal Management) 2018 as coastal wetlands. However, this mapped area covers the driveway and mown driveway edge which enters the property from Bangalow Road. This area of mapped coastal wetland within the development footprint is not representative of coastal wetland.



*Plate 3: The requisite APZ for the existing residential dwelling at BAL 29 is current and compliant.*

No works are required within the mapped coastal wetland, nor immediately adjacent to it. Furthermore, no works are required which would result in any biodiversity impacts as a result of the proposal. Therefore, it is considered that no impacts would occur to the biophysical, hydrological, and ecological integrity of the coastal wetland.

In addition to Clause 10, which is applicable to mapped coastal wetlands under SEPP (Coastal



Management) 2018, the remainder of the development footprint falls within the proximity area for coastal wetlands and as such the following applies.

- Part 2, Division 1, Clause 11 of SEPP (Coastal Management) 2018 reads as:

*Development on land in proximity to coastal wetlands or littoral rainforest*

*(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—*

*(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*

*(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

As works required for the proposal are negligible, with no excavation or disturbance required, and no impacts to vegetation necessary, it is highly unlikely that the proposal would cause any impact to the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or surface and groundwater flows required to sustain it.

#### **4. Conclusion**

The proposal has been assessed in accordance with key biodiversity legislation and planning policies, with particular regards to the BC Act 2016 and SEPP (Coastal Management) 2018, to determine if the proposal is likely to have a significant impact on the biodiversity values of the subject land or locality, or the mapped coastal wetland which occurs adjacent to the development footprint.

Following the assessment, the following conclusions are provided:

- The proposal seeks approval for an existing long-standing residential dwelling, with only minor modifications required, and no vegetation clearing required to accommodate.
- An APZ has been identified in accordance with NSW RFS PBP 2019, which is currently in place and compliant, with no clearing of native vegetation required to establish or maintain.
- I am satisfied that no native vegetation clearing, or other prescribed biodiversity impacts would occur in the area mapped on the Biodiversity Values Map, and a BDAR is not required.
- I am satisfied that the proposed development would not have a significant impact on the biophysical, hydrological or ecological integrity or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

Please don't hesitate to contact me should you require further information.

Regards



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## Attachment A – Test of Significance

In accordance with Section 7.3 of the *Biodiversity Conservation Act 2016*, a *Test of Significance* (ToS) has been completed for the purposes of determining whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

*a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

The proposal seeks approval for an existing residential dwelling, which requires minor modifications only to satisfy BASIX and BAL 29 requirements. The residential building requires an APZ to satisfy NSW RFS Planning for Bushfire Protection 2019, however, the APZ is compliant and does not require any clearing of native vegetation to establish or maintain.

In summary, the proposal requires no change of use, no vegetation clearing, no excavation or filling, nor any other activities likely to cause potential direct or indirect impacts to the biodiversity values of the subject land or locality. Therefore, it is highly unlikely that the proposal would have an adverse effect on the life cycle of any threatened species such that a viable local population of the species is likely to be placed at risk of extinction.

*b) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*

*(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*

*(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.*

The development footprint occurs in an area containing landscaped gardens, bitumen driveway and mown lawn. Vegetation within the development footprint contains a tree species commonly found within the endangered ecological community (EEC) *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions*. However, as this vegetation is planted within a landscaped garden, and contains an absence of understorey or midstorey species representative of this EEC, it is considered that vegetation within the development footprint is not as described in the final Scientific Committee determination.

Beyond the subject land, vegetation communities within the locality share geographical and floristic characteristics of EEC vegetation communities; however, none of these vegetation communities would be either directly or indirectly impacted by the proposed development.

The relatively small and low impact scale of the proposal and resultant negligible direct or indirect impacts are such that the proposal would not have an adverse effect on the extent of any ecological community such that its local occurrence is likely to be placed at risk of extinction. Nor would any proposed action substantially and adversely modify the composition of any ecological community such that its local occurrence is likely to be placed at risk of extinction.

*c) in relation to the habitat of a threatened species, population or ecological community:*

- (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.*

When applying this factor, consideration has been given to all short-term and long-term impacts (direct and indirect) the proposal may have on habitat which is likely to support threatened species and ecological communities, regardless of whether the habitat occurs on the subject land.

With respect to (i), the proposal does not require the removal or modification of any habitat. The development footprint consists of landscaped gardens, bitumen driveway and mown lawn. While habitat of conservation value does occur beyond the development proposal in the south of the subject land and on adjacent offsite land, these areas would not be impacted directly or indirectly as a result of the proposal. It is therefore considered that the extent to which habitat is likely to be removed or modified as a result of the action proposed is negligible.

With respect to (ii), as no vegetation is to be removed to accommodate the proposal and the proposal would not impact on any areas of habitat value, and no change of use is required, then no areas of habitat would become fragmented or isolated from other areas, nor impact on the functionality of any habitat corridors.

With respect to (iii), no habitat would be removed, modified, fragmented or isolated for the proposal. Vegetation within the development footprint is not important in the local context, and regardless, would not be impacted. Therefore, the actions of the proposal would not significantly affect the long-term survival of any species, populations or ecological communities in the locality.

- d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly)*

This applies to declared areas of outstanding biodiversity value ("AOBVs") under Part 3 of the BC Act 2016 and is aimed at assessing whether a development or activity is likely to affect such areas.

The subject land does not contain any area which has been identified and declared as an AOVB. Therefore, AOVBs would not be affected by the proposed development.

- e) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process*

The proposal is not characteristic of any listed Key Threatening Processes (KTP) gazetted pursuant to Schedule 4 of the BC Act 2016 (Table A.1). The degree that the proposal would contribute to any threatening process is not considered likely to place the local population of any of the subject species or communities at significant risk of extinction.

Table A.1: Key Threatening Processes gazetted pursuant to Schedule 4 of the Biodiversity Conservation Act, 2016.

Listed Key Threatening Process (as described in the final determination of the Scientific Committee to list the threatening process)	Is the development or activity proposed of a class of development or activity that is recognised as a key threatening process?		
	Likely	Possible	Unlikely
Alteration of habitat following subsidence due to longwall mining			✓
Aggressive exclusion of birds by noisy miners			✓
Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands			✓
Anthropogenic climate change			✓
Bush rock removal			✓
Clearing of native vegetation			✓
Competition and grazing by the feral European Rabbit			✓
Competition and habitat degradation by feral goats			✓
Competition from feral honeybees			✓
Death or injury to marine species following capture in shark control programs on ocean beaches			✓
Entanglement in or ingestion of anthropogenic debris in marine and estuarine environments			✓
Forest Eucalypt dieback associated with over-abundant psyllids and bell miners			✓
High frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition			✓
Herbivory and environmental degradation caused by feral deer			✓
Importation of red imported fire ants			✓
Infection by <i>Psittacine circoviral</i> (beak and feather) disease affecting endangered psittacine species and populations			✓
Infection of frogs by amphibian chytrid causing the disease chytridiomycosis			✓
Infection of native plants by <i>Phytophthora cinnamomi</i>			✓
Introduction and Establishment of Exotic Rust Fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae			✓
Introduction of the large earth bumblebee			✓
Invasion and establishment of exotic vines and scramblers			✓
Invasion and establishment of Scotch broom			✓
Invasion and establishment of the Cane Toad			✓
Invasion, establishment and spread of <i>Lantana camara</i>			✓



Listed Key Threatening Process (as described in the final determination of the Scientific Committee to list the threatening process)	Is the development or activity proposed of a class of development or activity that is recognised as a key threatening process?		
	Likely	Possible	Unlikely
Invasion of native plant communities by African Olive			✓
Invasion of native plant communities by <i>Chrysanthemoides monilifera</i> (bitou bush and boneseed)			✓
Invasion of native plant communities by exotic perennial grasses			✓
Invasion of the yellow crazy ant into NSW			✓
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants			✓
Loss of hollow-bearing trees			✓
Loss or degradation (or both) of sites used for hill-topping by butterflies			✓
Predation and hybridisation of feral dogs			✓
Predation by the European red fox			✓
Predation by the feral cat			✓
Predation by <i>Gambusia holbrooki</i>			✓
Predation by the Ship Rat on Lord Howe Island			✓
Predation, habitat degradation, competition and disease transmission by feral pigs			✓
Removal of dead wood and dead trees			✓








## Attachment B – Figures



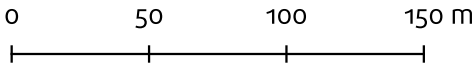
Figure 1: Subject Land\_234A Bangalow Rd



**Legend**

-  Subject Land - 234A Bangalow Road
-  Secondary Dwelling
-  Railway
-  Railway Corridor
-  Road Corridor
-  NPWS Reserve
-  Hydroline

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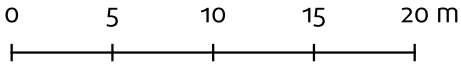
Figure 2: The proposal includes requesting approval for a secondary dwelling & APZ



**Legend**

-  Subject Land - 234A Bangalow Road
-  Secondary Dwelling
-  Asset Protection Zone (APZ) Buffer
-  Biodiversity Values Map
-  Coastal Wetland
-  Coastal Wetland Proximity Area
-  Road Corridor

1:375



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Figure 3: Subject Land\_BioNet records and BSC vegetation mapping within 1km.






**Legend**

-  Subject Land - 234A Bangalow Road
-  1 km Subject Land Buffer
-  Secondary Dwelling
-  Asset Protection Zone (APZ) Buffer
-  Railway
-  Railway Corridor
-  Road Corridor
-  NPWS Reserve
-  Hydroline
-  Water Feature

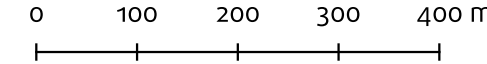
**BioNet TS Records\_clipped 1km**

-  Fauna
-  Flora

**Byron Veg 2017\_May18\_clipped 1km**

-  DRY SCLEROPHYLL FORESTS
-  EXOTIC
-  FORESTED WETLANDS
-  HEATHLANDS
-  RAINFORESTS
-  SALINE WETLANDS
-  WET SCLEROPHYLL FORESTS

1:7500



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## Attachment C – BOSET Report

## Biodiversity Offset Scheme (BOS) Entry Threshold Map



245.9 0 122.96 245.9 Metres

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### 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

<b>Date of Calculation</b>	03/06/2021 11:16 AM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	0.07 ha	
<b>Minimum Lot Size Method</b>	LEP	
<b>Minimum Lot Size</b>	0.06 ha	
<b>Area Clearing Threshold</b>	0.25 ha	
<b>Area clearing trigger</b> Area of native vegetation cleared	no	no
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	yes	yes
<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 BOSET 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 Office of Environment and Heritage 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: 03/06/2021 11:16 AM