



Douglas Cunningham
Manager, Agile Planning
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

2 May 2024

Dear Mr Cunningham

Subject: BCS comments on Planning Proposal – PP-2021-7404 – Rezoning of 159-167 Darley Street West, Mona Vale

Thank you for your email of 22 April 2024, requesting advice from Biodiversity, Conservation and Science (BCS) Group of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) on this planning proposal (PP).

BCS has reviewed the Response to Further Information (RFI) Request (dated 14 April 2024) prepared by the proponent and provides comments below.

Local Environmental Plan Making Guideline

BCS note that in accordance with the Local Environmental Plan (LEP) Making Guideline (August 2023), agencies may request further information upon receipt of the request for comments and advice. As such, BCS's requests for further information in relation to this PP have been made in accordance with the LEP Making Guideline.

Flood

BCS considers the PP to be generally consistent with the flood function and behaviour of the land. However, for completeness, in accordance with BCS's previous submissions, the flood impact mapping should be updated to show impacts greater than 0.01 m and mapping for hazard categories H1-H6 should also be provided for existing and proposed conditions.

Biodiversity

As set out in the LEP Making Guideline, the proposed scope and methodology for the biodiversity assessment should be confirmed in consultation with NSW Environment, Energy and Science (now BCS).

BCS remains of the view that a biodiversity assessment should be prepared to support the proposal which is compliant with Stage 1 and Stage 2 of the Biodiversity Assessment Method (BAM). BCS recommends this approach as it will show the biodiversity values on the site and allow

the proposal to avoid and minimise impacts by appropriately locating and designing the proposal in accordance with Section 7 of the BAM. It will also provide further information about whether the requirements of the *Biodiversity Conservation Act 2016* and therefore the BAM will be able to be realistically realised on the Subject Land.

It should be noted that BCS does not consider that the RFI (dated 14 April 2024) and assessment of significance (AoS) for the Pittwater and Wagstaffe Spotted Gum Forest (PWSGF) adequately addresses the concerns raised in previous submissions. Specifically, there is insufficient justification that there will not be significant impacts to biodiversity for the following reasons:

- not enough is known about the biodiversity values on the site
- the lack of details provided for the design of the proposal including the impacts to trees and therefore the extent of removal of PWSGF
- protections in planning provisions for retained vegetation have not been proposed at the PP stage.

Should you have any queries regarding this matter, please contact Theo Wilkinson, Senior Conservation Planning Officer via theo.wilkinson@environment.nsw.gov.au.

Yours sincerely,



Dana Alderson
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Greater Sydney Branch
Biodiversity Conservation and Science Group