

Natural Environment Referral Response - Biodiversity

Application Number:	DA2025/0279
Proposed Development:	Construction of a dwelling house
Date:	02/04/2025
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 32 DP 20097 , 237 McCarrs Creek Road CHURCH POINT NSW 2105

Reasons for referral

This application seeks consent development on land, or within 40m of land, containing:

- All Development Applications on
- Actual or potential threatened species, populations, ecological communities, or their habitats;
- Wildlife corridors;
- Vegetation query stipulating that a Flora and Fauna Assessment is required;
- Vegetation query - X type located in both A & C Wards;

And as such, Council's Natural Environment Unit officers are required to consider the likely potential environmental impacts.

Officer comments

Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP 2014 cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor
- SEPP (Resilience and Hazards) 2021 - Coastal Environment Area

The following documentation submitted with the application has been reviewed in relation to biodiversity controls:

- Statement of Environmental Effects (BIC Town Planning)
- Flora and Fauna Assessment (Waratah Ecology, February 2025)
- Arboricultural Impact Assessment (Ezigrow, January 2025)
- Architectural Plans (Green Measures, February 2025)
- Bushfire Assessment (Bushfire Planning and Design, September 2024)

The Arborist Report recommends the removal of 21 native prescribed trees to facilitate the proposed development. This includes 20 from within the property and 1 in the road reserve. Only 3 trees are proposed for retention within the site, including Trees 31, 32 and 33. The Arborist has identified that Trees 34 and 35 require removal in order to comply with the recommendations of the bushfire report,

which states that "the site will be cleared of bushland vegetation to accommodate for the development and APZ". The Arborist also states "A Canopy Coverage drawing is attached in Appendix 9 which shows the extent of the retained canopy. Canopy Cover has been applied at 75% due to the dappled characteristics of the retained trees, being thin specimens and species types". Appendix 9 is not included in the report. This is required in order for the Bushfire Consultant to determine the trees that can be retained within the IPA. It is not anticipated that all trees would require removal in order to achieve 15% minimum canopy cover and as such, it is expected that in order to avoid and minimise impacts to biodiversity, consideration be given to the retention of Trees 34 and 35 as they are outside the development area and directly adjacent to a Council Reserve. Consistency across the reports (Bushfire, Arborist and SEE) is required.

The Flora and Fauna Assessment confirms that the NSW Biodiversity Offset Scheme (BOS) is not triggered by either the Biodiversity Values (BV) map or the area clearing threshold. No threatened flora or fauna were identified by the Ecologist on site, and after application of a number of Tests of Significance (5-Part test) for species considered to have a moderate likelihood of occurring on site, it was determined by the Ecologist that a Species Impact Statement or BDAR was not required. A number of recommendations to mitigate impacts on biodiversity have been outlined in the Flora and Fauna Assessment and if approved, will be conditioned accordingly.

The Landscape Plan incorrectly shows that all trees are to be removed from the subject site. Trees 31, 32 and 33 are currently proposed for retention, and in accordance with the above, Trees 34 and 35 are also to be considered for retention. Furthermore, the Landscape Plan does not provide for any replacement canopy trees, only shrubs and groundcovers. This is to be amended to include canopy tree replacements which must also meet the minimum requirements for Planning for Bushfire Protection. Given the slope of the property, it is recommended that the planting density be increased within the proposed terraced area at the rear of the property in order to stabilise the soil and reduce runoff.

At this stage Biodiversity Referral does not support the application based on matters as identified above. Commencement of the biodiversity assessment will recommence upon receipt of amended reports.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.