

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/1346
Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 1220196 , 4 - 10 Inman Road CROMER NSW 2099

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

As highlighted within the Landscape Referral response, based on the submitted plans and supporting documentation there is confusion regarding tree and native vegetation retention and removal.

The Landscape Plans and Architectural Plans indicate the majority of trees on the South Creek Road and Inman Road frontages to be retained. The Arborist's Report provided appears to be from an earlier application and indicates all of these trees to be removed, along with additional trees in the northern part of the site.

The Stormwater Drawings indicate regrading works, swale drains and detention pond in the location of the existing trees, which would necessitate their removal.

The Biodiversity Development Assessment Report (Travers bushfire & ecology) concludes "that the proposed development will remove less than 0.25ha of native vegetation therefore offsetting under the BOS does not apply." This conclusion is based on Figure 1 in their report which is the ground floor development plans prepared by SBA Architects. This plan does not show the full extent of native tree and vegetation removal, and therefore the Travers conclusion is not justified. The area clearing threshold for the site (minimum lot size <1 ha) is 0.25 hectares, and the report does not clearly demonstrate whether or not the development triggers the threshold. The report must assess the total area of native vegetation clearing that will result from the development, including all demolition, excavation, construction and provision of services, including stormwater (basin, in-stream works and diversion drains) works, and clearly map the area and determine if this will result in clearing of an area > 0.25 ha.

Based on the inconsistency and lack of information provided, the development as presented cannot be supported. Additional information is required to determine whether or not a BDAR, including triggering into the biodiversity offset scheme, is required. The area threshold calculation must be based on the total area of native vegetation potentially impacted, and use the definition of native vegetation and native vegetation clearing defined within the Biodiversity Conservation Act 2016 and Local Land

Services Act 2013. If the area threshold is triggered, an BDAR prepared by a certified consultant in accordance with the Biodiversity Assessment Method is to be submitted to Council.

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.