

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/1243
<b>Responsible Officer</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 3 DP 1167665 , 1 E Bungan Head Road NEWPORT NSW 2106

### 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 Natural Environment - Biodiversity section cannot support the proposal in its current form.

This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.4 Flora and fauna habitat enhancement category 2 and wildlife corridor. Any development application must therefore consider proposal options which are compliant with applicable Pittwater LEP and DCP controls, specifically but not limited to:

- The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
- Development shall provide an adequate buffer to wildlife corridors.
- Development shall provide flora and fauna habitat and wildlife corridors by active restoration, regeneration, and/or creation.
- Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees.
- Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and should not include environmental weeds.
- Planting is to maximise linkage to the wildlife corridor.

The proposal is for the construction of a new dwelling on a vacant block. The lot has been the subject of a subdivision which contains conditions to be complied with when considering any development application for a new dwelling within the lot. The approved subdivision has approved 'building areas' which were established to retain and protect native trees and vegetation.

The current proposed dwelling has a significantly larger footprint than the building footprint approved by  
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the subdivision (shown on the survey plan) and as a result will remove an additional 8 trees, 4 of which are Category A High Quality (T7, T9, T11, T12), and major encroachments to another Cat A neighbouring tree (T19).

When considering the objectives of LEP Clause 7.6, controls within DCP Clause 4.4, and the fact that the existing building envelope was conditioned as part of the subdivision, additional tree removal/impacts are inconsistent with biodiversity controls.

The applicant is encouraged to submit a design which minimises tree removal, and in particular avoids removing trees identified as Category A High Quality (T7, T11, T12).

### **Referral Body Recommendation**

Recommended for refusal

### **Recommended Natural Environment Conditions:**

Nil.