

## Memo

Environment & Sustainability

**To:** Toby Philp  
Principal Planner

**From:** Brendan Smith  
Team Leader Biodiversity Planning

**Date:** 12 August 2021

**Subject:** Biodiversity comments - Planning Proposal Referral – 159-167  
Darley Street West MONA  
VALE

**Record Number:** 2021/571961

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It is understood that the planning proposal wishes to seek the following amendments to the Pittwater Local Environmental Plan 2014:

- Rezone properties 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under PLEP 2014 to R3 Medium Density Residential
- Amend Clause 4.5A(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site)

In preparation of these biodiversity related comments, the following documents and reports were reviewed:

- Planning Proposal (Macroplan, July 2021)
- Concept Design (Giles Tribe, June 2021 Rev A)
- Preliminary Ecological Assessment (Cumberland Ecology, July 2021)

Council's Biodiversity and Planning team provide the following comments and advice regarding the submitted planning proposal.

A preliminary Ecological Assessment has been undertaken to support the proposal. Findings from the assessment identify that the subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum Forest (PSGF), consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the Biodiversity Conservation Act 2016 (BC Act). The remainder of the subject site is comprised of Planted Native Vegetation (0.04 ha), exotic vegetation (0.22 ha) and existing developed land (0.17 ha).

The Ecological Assessment has estimated that the proposal will require the removal of approximately 0.09 ha of PSGF, 0.04 ha of planted native vegetation and 0.15 ha of exotic vegetation. These areas have been calculated based on area of the development overlapping the vegetation mapping prepared by the Ecologist.

The Ecological Assessment has concluded that as the subject site contains a total of 0.23 ha of native vegetation, of which, 0.13 ha is indicated to be impacted, the NSW Biodiversity Offset Scheme is unlikely to be triggered by this mechanism. A preliminary assessment of significance has also been conducted which indicated that a significant impact to threatened biodiversity is unlikely.

Indirect and prescribed impacts are required to be considered in assessment of whether the proposal triggers the BOS in accordance with the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017, thus entry into the BOS and preparation of a Biodiversity Development Assessment Report (BDAR) cannot be ruled out at this stage.

It is recommended that any future development design maximises efforts to avoid and minimises impacts to the biodiversity values of the site and locality, including Pittwater Wagstaff Spotted Gum Forest. As documented, further Biodiversity Assessment will be required as part of any development application to Council, and should be based on final plans and incorporate the results of the Arboricultural Impact Assessment.

The assessment should conduct site surveys with reference to relevant published flora and fauna survey guidelines. In addition, the Ecological Assessment must address the proposals compliance with the local planning controls Pittwater 21 DCP cl. B4.3 Flora and Fauna Habitat Enhancement Category 2 Land & cl. B4.22 Preservation of Trees and Bushland Vegetation.

From the information supplied it is hard to determine the amount of native trees that are proposed for removal, and whether it would be compliant with the DCP controls in relation to removal of tree canopy. An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries. This may identify that further native vegetation requires removal due to location of tree, health of tree and/or application of relevant exemptions in accordance with the Pittwater 21 DCP.