

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0200
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot A DP 402556 , 130 Old Pittwater Road BROOKVALE NSW 2100

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

The development has been assessed against the following biodiversity legislation and Warringah DCP 2011 controls.

Biodiversity Conservation Act 2016.

For proposals that do not trigger the Biodiversity Offset Scheme threshold, a test of significance is required to determine if it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3 and the relevant guidelines published by NSW OEH. The applicant must review the list of threatened species which may be affected directly or indirectly by the proposed development. The list of potential species should be provided along with the test of significance. Reasons should be provided to show how the list was derived. The assessment is to make reference to the total impact which can be attributed to the development in the area, including cumulative impacts from the site directly adjoining to the south, and impacts over time.

Warringah Development Control Plan - E2 Prescribed Vegetation

This issue is concurrently addressed under Part E4 Wildlife Corridors. In summary, the proposal does not retain native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term, or retain native vegetation communities and ecological functions of wildlife corridors. The development must be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species, as well as the areas of exposed rock ledges and boulders that will be impacted.

Warringah Development Control Plan - E4 Wildlife Corridors

The proposal will impact the existing wildlife corridor due to the clearing of native vegetation on the

subject site. Amenity impacts of bulk and scale, due to the height and building footprint covering natural cliff lines and rock outcrops, will require the removal of vegetation that would otherwise enhance the amenity of the site.

The proposal has not been submitted with a Biodiversity Management Plan in accordance with Council guidelines. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.

Warringah Development Control Plan - E5 Native Vegetation

Native vegetation objectives and requirements is addressed above under clauses E2 and E4

Warringah Development Control Plan - E6 Retaining unique environmental features

The building footprint proposed and excavation works extends over sections of the site that contain natural cliffs lines, rock outcrop escarpments and natural creek gullies. The rock escarpment and cliff lines distinguish it from its surroundings as they extend to join the natural creek gully and the majority of the central area of the site is moderately sloping and unsuitable for a large building footprint that would not destroy these remnant natural features. Therefore, the proposal has not been designed to address the main distinctive environmental features of the site, and does not respond or recognise those features through location of structures, outlook, or suitable design as required by the DCP.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP 2011 and the assessment requirements of the Biodiversity Conservation Act 2016 . Accordingly, this assessment finds that the proposal is not supported.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.