

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1832
Proposed Development:	Construction of a dwelling house and detached studio
Date:	03/01/2024
Responsible Officer	Stephanie Gelder
Land to be developed (Address):	Lot 5 DP 590990 , 5 Portions Lovett Bay LOVETT BAY NSW 2105 Lot LIC 301874 , 5 Portions Lovett Bay LOVETT BAY 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. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- Bushfire Prone Land - Planning for Bushfire Protection 2019
- SEPP (Resilience and Hazards) 2021 cl. 2.10 Development within the coastal environment area

The Development Application seeks consent for Construction of a dwelling house and detached studio.

The majority of the site is identified on the NSW Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

The Statement of Environmental Effects (Vaughn Milligan Development Consulting, December 2023) has stated that "*the proposal does not require the removal of any significant vegetation to*

accommodate the new works. An existing Jacaranda and Illawarra Flame Tree which are both exempt tree species will be retained in the method of construction within the vicinity of the trees will consider their retention as shading elements to the building. No further Arboricultural Impact Assessment has been provided as trees are exempt species and could be removed by the owner as required and also for bushfire planning purposes". Therefore, whilst the development footprint is located within the BV Map, no native vegetation is proposed for removal to facilitate the development and as such does not trigger the BOS.

The Bushfire Risk Assessment Report (Bush Fire Planning Services, September 2023) submitted with the application has recommended that *"At the commencement of building works and in perpetuity the property around the building footprint shall be managed as follows and as outlined within Planning for Bushfire Protection 2019 and the New South Wales Rural Fire Service document standards for Asset Protection Zones:*

- *North as an Inner Protection Area to at least the currently managed distance.*
- *East as an Inner Protection Area to the property boundary.*
- *South as an Inner Protection Area to the property boundary.*
- *West as an Inner Protection Area to the property boundary.*

It should be noted that no additional expansion of the already managed vegetation will be required".

The Bushfire Consultant is to amend the report to include clarification on the maximum distance north and include a map identifying the APZ area. Should the APZ extend into areas of remnant vegetation a BDAR may be required.

Upon receiving the amended information, Council's Biodiversity referrals team will recommence assessment of the application.

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.