

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/1079
Proposed Development:	Community title subdivision into five (5) lots and civil works
Date:	18/10/2024
Responsible Officer	Stephanie Gelder
Land to be developed (Address):	Lot 3 DP 1115877 , 53 B Warriewood Road WARRIEWOOD NSW 2102 Lot 3 DP 942319 , 53 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 1115877 , 53 A Warriewood Road WARRIEWOOD NSW 2102

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 following environmental planning instruments have been considered in preparing the response:

- NSW Biodiversity Conservation Act 2016 and Regulation 2017
- State Environmental Planning Policy (Resilience & Hazards) 2021 cl. 2.8 Development on land in proximity to coastal wetlands or littoral rainforest
- NSW Water Management Act 2000 s91 Activity Approvals
- Pittwater LEP 2014 cl. 7.6 Biodiversity, and
- Warriewood Valley Landscape Masterplan and Design Guidelines (2000)

The Flora and Fauna Assessment (Kingfisher 2024) does not provide a suitable assessment of the biodiversity values of the subject site or the potential impacts of the proposal. Inconsistent information is provided in relation to the survey effort, the latest vegetation mapping of the site, the agreement (or otherwise) of the type and extent of PCTs found on site based on site assessment conducted, there is no assessment against the requirements of the SEPP, LEP or DCP, and the report does not provide clear conclusions. The plans provided within the report are inconsistent with the application as submitted. The creekline corridor, consisting of the inner 25m public riparian zone and outer 25m private riparian corridor, need to be depicted and described, and the recommendations focus on the protection and rehabilitation of the biodiversity values of this area.

These inconsistencies carry through into the draft VMP provided. A revised VMP is to be prepared that applies to the inner 25m public riparian zone only, with a Landscape Plan to apply to the outer 25m private riparian corridor area. The subdivision design is to ensure that the outer 25m riparian corridor complies with the controls, and is to be retained in private ownership and is to perform the functions of part water quality control and a fauna/flora corridor. The private buffer strip is to be a multifunctional corridor, appear to be part of the public domain, and may contain water quality control ponds or other water quality treatment measures, and/or roads and other impervious areas traditionally sited in the public domain, for up to 25% of the outer Creekline Corridor area subject to merit assessment. The extent of excavation and proposed uses within the creekline corridor may not be supported.

The development may constitute a Controlled Activity Approval (CAA) under the Water Management Act 2000, and a Vegetation Management Plan conforming to the Department Guidelines is required.

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.