

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0303
Proposed Development:	Demolition of existing structures, removal of trees and subdivision of one lot into three lots.
Date:	19/04/2024
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 5 DP 222134 , 337 Lower Plateau Road BILGOLA PLATEAU NSW 2107

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 comments in this referral relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP 2014 - Part 7.6 Biodiversity Protection
- Pittwater 21 DCP - Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The proposal has been submitted with an Arboricultural Impact Assessment (Urban Forestry Australia, December 2022) that has recommended the removal of 93 trees resulting from the assessment of a total of 287 trees. Out of the 93 trees proposed for removal, 26 are prescribed trees and the remaining 67 are exempt trees under PDCP Clause B4.22 Preservation of Trees and Bushland Vegetation.

A Flora and Fauna assessment (Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, September 2023) has been submitted with the application and concluded that the proposed subdivision and vegetation clearing would not trigger entry into the Biodiversity Offsets Scheme. However, the FFA will have to be resubmitted to include the total area cleared as the submitted report is still in draft form (page 17 of the report). The report has not identified any threatened ecological communities and threatened species but has identified high risk weeds that need to be managed on the site. No five part tests or Tests of Significance have been submitted with the FFA in its draft form and will also have to be submitted with the finalised report.

The proposal in its current form is found to be inconsistent with applicable controls PLEP 7.6 and PDCP B4.4 as no tree replacement plantings are being proposed and the removal of a significant amount of vegetation would be required, constituting a significant onsite loss of canopy cover and a net loss in native canopy trees. Given that the proposed footprints have been considered in the provided plans, a landscape plan including tree replacements for the proposed removals of prescribed trees should be included with the application for compliance with applicable controls.

The Biodiversity referral will recommence upon reception of the finalised Flora and Fauna Report as well as a Landscape Plan that includes tree replacements for prescribed trees proposed for removal.

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.