

Natural Environment Referral Response - Biodiversity

Application Number:	DA2025/0136
Proposed Development:	Construction of a boat shed, waterway access stairs and landscaping
Date:	03/04/2025
Responsible Officer	Anaiis Sarkissian
Land to be developed (Address):	Lot 56 DP 7794 , 60 Hudson Parade CLAREVILLE 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

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
- SEPP (Resilience and Hazards) 2021 - Coastal Environment Area

The following documentation submitted as part of the development application has been reviewed in relation to biodiversity matters:

- Flora and Fauna Assessment Report (Narla Environmental, December 2024)
- Arboricultural Impact Assessment (Martin Peacock Tree Care, January 2025)
- Architectural Plans (Bennet Murada Architects, January 2025)
- Statement of Environmental Effects (Boston Blyth Fleming, December 2024)

The Flora and Fauna Report confirms the presence of Pittwater Wagstaffe Spotted Gum Forest (PWSGF) within the subject site, including Trees 15, 16 and 17. PWSGF is an Endangered Ecological Community listed under the Biodiversity Conservation Act 2016. The Arborist recommended the removal of Tree 17 (*Corymbia maculata*) as it is located within the footprint of the boatshed, and has

proposed that T15 and T16 be retained.

Previous advice provided to the applicant by Council's Biodiversity Referrals team for a pre-lodgement meeting (PLM2024/0038), included that the trees belonging to PWSGF be retained and that the proposal consider alternative locations within the site, such as the existing cleared/landscaped area to the north of the current proposed location. The Arborist Report states that "the potential to locate the boatshed etc. in the northwestern corner of the site was investigated as part of the design development stage. However, it was determined that the extent of excavation that would be required within the Tree Protection Zone (TPZ) area of the neighbours Tree F could potentially impact the health of the tree". Council's Landscape Referrals team have provided comments on this statement, and have identified that tree protection zone encroachment to the neighbouring tree F is not expected to increase as it would be located upon hardstand area which would render a barrier to tree root growth from tree F. Council's Landscape Referrals team have also raised the issue that trees 15, 16 and 17 appear to be interconnected and as such excavation to one may impact the other two trees. Long term impacts to the three *Corymbia maculata* canopy trees within the property would result in non-compliance with Pittwater 21 DCP B4.7 Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees, and that Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations. Tree 16 contains a number of different sized hollows which provide habitat for threatened species and impacts to this tree are not supported.

Given the comments discussed above, Council's Biodiversity Referrals team do not support the application as it is currently presented. The applicant is once again encouraged to further explore alternative locations that do not require the removal of Pittwater Wagstaffe Spotted Gum Forest.

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.