

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/1915
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Date:	06/01/2023
Responsible Officer	Dean Pattalis
Land to be developed (Address):	Lot 89 DP 13760 , 29 Wandeen Road 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

The proposal seeks approval for alterations and additions to a dwelling house including a swimming pool.

The comments on this proposal relate to the following provisions:

- NSW Biodiversity Conservation Act 2016
- Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection
- Pittwater DCP 21 - Clause B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, 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 submitted arborist report identifies four trees to be removed - Trees 1, 2, 4 and 5 which are all mature Spotted Gums (*Corymbia maculata*). Trees 1 and 2 are found at the front of the property and have not been mapped within the BV Map, however, Trees 4 and 5 are both located within the BV Map area. As confirmed in the submitted Flora and Fauna Report, the proposal therefore triggers entry into the BOS by way of impact to native vegetation identified on the BV Map. This is a requirement of the NSW Biodiversity Conservation Act 2016 and is not subject to the discretion of Council.

The following options are available to the applicant:

- Provide a BDAR prepared by an ecologist who is an Accredited Assessor under the NSW Biodiversity Assessment Method (BAM).
- Redesign the proposal to avoid any impact to native vegetation within the Biodiversity Values Map.

In addition, it is considered that the proposal to remove four mature Spotted Gums within an Endangered Ecological Community is inconsistent with the objectives of applicable local biodiversity controls. As per comments provided by the Landscape referrals body, and as required under PLEP Clause 7.6 (Terrestrial Biodiversity), the Biodiversity referrals body is not satisfied that the proposal has been designed and sited to avoid adverse environmental impact.

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.