

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/1993
<b>Date:</b>	08/11/2021
<b>Responsible Officer</b>	Adam Mitchell
<b>Land to be developed (Address):</b>	Lot 259 DP 752017 , 259 / 0 Aumuna Road TERREY HILLS NSW 2084

### 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 Biodiversity Referrals team cannot support the proposal in its current form due to non-compliance with Warringah DCP biodiversity controls and insufficient information.

The proposal has been assessed against the following applicable biodiversity legislation and controls:

- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Warringah DCP cl. E2 Prescribed Vegetation
- Warringah DCP cl. E4 Wildlife Corridors
- Warringah DCP cl. E6 Retaining Unique Environmental Features

The application seeks consent for alterations and additions to the existing dwelling house including a new garage, studio and home business. The proposal includes vegetation clearing and the establishment of an Asset Protection Zone (APZ) across a portion of the site in perpetuity.

### Warringah DCP Controls

The garage, studio and home business are proposed to be located within existing vegetation, and as a result, will require the removal of 21 native trees as recommended by the Arboricultural Impact Assessment (Tree Survey, August 2021). The site is large (1.8 ha) and contains several areas that have been historically cleared of vegetation. As such, it is considered that the development could be sited to enable the retention of many native trees within the site. In accordance with WDCP cl. E2 (2), development on the site "is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species". The proposal as submitted is inconsistent with this requirement and is therefore not supported.

**Asset Protection Zone (APZ)**

The Bushfire Consultant (Ronald Coffey, August 2021) has recommended that the entire site be managed as an Inner Protection Area (IPA). It is considered that alternative design measures are available to enable a smaller APZ (e.g. increasing the BAL) and thereby reduce impacts on native vegetation. As such, the proposal to establish an IPA across the entire site is considered to be inconsistent with WDCP cl. E2 and is not supported.

**Biodiversity Offsets Scheme**

The Biodiversity Offsets Scheme (BOS) was established under the Biodiversity Conservation Act 2016. The minimum lot size associated with the property is 2ha, and clearing of native vegetation >0.5ha will trigger entry into the BOS. As the proposed APZ covers the entire lot (1.8ha) the BOS is triggered and an Accredited Assessor must be engaged to prepare a Biodiversity Development Assessment Report (BDAR). All vegetation clearing including that undertaken to meet the requirements of Planning for Bush Fire Protection 2019 (PBP 2019) must be quantified and considered when determining whether the BOS applies, including any clearing entitlement under the 10/50 scheme (where applicable). The BDAR must also outline the measures that have been taken to avoid and minimise impacts to biodiversity.

In summary:

1. The proposed location of the development will have an unacceptable impact on native vegetation and is inconsistent with WDCP controls.
2. Impacts to native vegetation associated with the proposal APZ have not been adequately avoided or minimised.
3. Vegetation clearing for the current proposal exceeds the BOS threshold and therefore triggers the requirement for a BDAR.

It is recommended that the proposal be redesigned so that impacts to native vegetation are avoided and minimised in accordance with applicable controls. This may include relocation of proposed structures to retain trees, and/or increasing the BAL of proposed structures to reduce the size of the APZ. Should proposed vegetation clearing still exceed the applicable BOS threshold of 0.5ha, a BDAR must be submitted in support 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.