

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/0669
Proposed Development:	Demolition work and the construction of 28 dwellings, infrastructure, roadworks, tree removal, landscaping, community title subdivision and the dedication of the creekline corridor to Council.
Date:	18/07/2023
Responsible Officer	Alex Keller
Land to be developed (Address):	Lot 4 DP 553816 , 16 Macpherson Street 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 proposed subdivision and residential development has been assessed against the following biodiversity related planning controls

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)
- NSW Biodiversity Conservation Act 2016 (BC Act 2016) and associated Biodiversity Conservation Regulation 2017
- Pittwater Local Environment Plan clause 6.1 Warriewood Valley Release Area & 7.6 Biodiversity
- P21DCP - C6.2 Natural Environment and Landscaping Principles

Existing native trees within the development site as identified in the Arboricultural Impact Assessment are to be removed as they cannot be retained due to ground level adjustments and the proposed subdivision and arrangement of roads, buildings and infrastructure. The ecological impacts of the proposal, including the required tree removals, have been assessed by Anderson Environment & Planning (2023). Their ecological assessment report also completed Assessments of Significance for several threatened flora and fauna species, concluding that a significant impact is unlikely. However, the report fails to conclude whether or not the entire area or a portion of the vegetation community mapped as PCT 1795 is part of the Endangered Ecological Community Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. The assessment needs to be revised accordingly, and assessments of significance included.

The application includes a Biodiversity Management Plan (AEP May 23) that proposes the regeneration and restoration of the creekline and the inner 25m of the creekline corridor. To comply with the DCP control, the BMP is to amended to include the following

- specific numbers of *Casuarina glauca* and *Eucalyptus robusta* identified in the planting list to achieve extensive stands of these two species as required by the DCP control
- weed cover targets are to be reduced from Year 1, and in all subsequent years, to ensure the survival of mass plantings that are proposed in the 2nd quarter of Year 1, and
- include a section identifying responsibility for the implementation of the BMP works (e.g. Developer, Community Association, Council etc) for the initial 5 year BMP period, and ongoing works.

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.