

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/1340
Date:	10/03/2020
Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot 100 DP 1023183 Part Lot 1046 DP 752038 Part Lot 1047 DP 752038 Part Lot 1053 DP 752038 Permissive Occupancy 88/31 A/C 174235 Closed Crown Road Licence 199961 , 100 / 0 Meatworks Avenue OXFORD FALLS NSW 2100

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

While the proposed development will not trigger the NSW Biodiversity Offset Scheme, as concluded by the Flora and Fauna Assessment, the proposal does not avoid or minimise impacts to the biodiversity values of the site. The proposed development will directly and indirectly impact the limited areas of native vegetation and fauna habitat remaining on the site, is not in keeping with the natural landscape of the locality, and will impact areas protected by a bushland covenant applying to the site relating to the previous development consent. Therefore the development is not supported.

I have reviewed the following documents and plans in preparing the following comments:-

- Statement of Environmental Effects – Boston Blyth Fleming November 2019
- Flora and Fauna Assessment – Ecoplanning 15 October 2019
- Bushfire Risk Assessment – Blackash 18 November 2019
- Gelder – Architectural Plans Revision C dated 31/10/19
- NSW LEC Case 10526 of 2012, including Condition 26 Bushland Covenant.

The development has been assessed against clauses 56 and 58 and the B2 Oxford Falls Valley locality statement of Warringah Local Environmental Plan 2000, and the requirements of Warringah Development Control Plan 2000.

Flora and Fauna Assessment

The data within Table 4.1 and Figure 4.1 is unclear as the definition of the 'subject site' is inconsistent between the information submitted supporting the application. The extent of the subject site that will be directly impacted by the Asset Protection Zone has been limited to the boundary of Lot 100. The APZ doesn't extend beyond the site boundary, and this is identified within the Bushfire Hazard Assessment (Figure 6). Therefore while the area of impact (APZ) depicted in figure 4.1 of the flora and fauna

assessment is potentially overstated, the area of native vegetation within Lot 100 that will be directly impacted will be larger when expressed as a percentage of the area of native vegetation remaining on the site. It is unclear if the areas within Table 4.1 relate to Lot 100 only, or the larger 'subject site' as defined by Ecoplanning.

Section 4.3.1 Vegetation clearing lists the measures taken to avoid and mitigate impacts. However, the measures proposed only relate to the mitigation of impacts, and the avoid/minimise/offset hierarchy has not been satisfactorily considered and does not satisfy local planning controls (see below).

DA2011/0985 Consent

The NSW Land & Environment Court s34 agreement for DA2011/0985 included Condition 26 requiring a Bushland Covenant to manage and protect bushland within the area. The proposed development will directly impact a portion of the site identified for the protection of bushland. Any development of the site should avoid impacts to native bushland.

Warringah Local Environmental Plan 2000

Clause 56 Retaining distinctive environmental features on sites

The development has not been designed to retain and complement distinctive environmental features of the site, and does not incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.

Clause 58 Protection of existing flora

The development has not been sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.

Locality B2 Oxford Falls Valley

The development is not in keeping with the desired future character of the Oxford falls Valley as the natural landscape including landforms and vegetation remaining on the site will not be protected or enhanced. The development is not entirely located in an area that will minimise disturbance of vegetation and landforms.

Warringah Development Control Plan 2000

The DCP states that when a DA includes clearing vegetation the following requirements apply: Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species. As previously stated, the development is not in accordance with these requirements.

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.