

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1794
Proposed Development:	Alterations and additions to the existing building and change of use to bed and breakfast accommodation, and construction of a swimming pool
Date:	11/03/2024
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 369 DP 752017 , 323 McCarrs Creek Road TERREY HILLS NSW 2084 Lot 425 DP 752017 , 323 McCarrs Creek 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

Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following provisions:

- Warringah DCP cl. E2 Prescribed Vegetation
- Warringah DCP cl. E5 Native Vegetation
- Warringah DCP cl. E6 Retaining Unique Environmental Features
- Bushfire Prone Lane - Planning for Bushfire Protection 2019

An Arborist Report (Seasoned Tree Consulting, October 2023) was submitted with the application which assessed 13 trees in proximity to the proposed development. Of the 13 trees assessed, four are proposed for removal including 2 x Illawarra Flame Trees (*Brachychiton acerifolius*), 1 x Macadamia tree (*Macadamia integrifolia*) and 1 x Tuckeroo (*Cupaniopsis anacardioides*). No objections to the removal of these trees as all species are listed on Northern Beaches Council Exempt Tree Species list with the exception of the Macadamia tree which is not native to NSW.

As the site is located within Bushfire Prone Land a Bushfire Risk Assessment Report (Bushfire Planning Services, February 2023) was submitted with the application. The RFS have provided General Terms of Approval noting the following regarding the establishment of an Asset Protection Zone:

- north east up to the subject lots site boundary;
- south east, projecting back from the furthest part of the proposed works, for a distance of 55m or up to the part south eastern site boundary;
- south west up to the subject lots site boundary; and,
- north west up to the subject lots site boundary abutting McCarrs Creek Road.

It is also noted that the RFS have identified that *"the proposed Change of use of the existing dwelling, to a Bed and Breakfast, would require the approval and the creation of an 88b instrument, over the adjacent parcel of land (located on the subjects sites north eastern site boundary - Lot 147 321 McCarrs Creek Road), to form an easement to enable and facilitate the vegetation management of the land, to a compliant APZ IPA standard, and thereby ensure that its exposure not exceed radiant heat levels of 29kW/sqm and hence achieving compliant separation distances with PBP 2019 Table A1.12.5."*

The RFS GTA's provide new information regarding additional vegetation management requirements for the APZ which are located offsite in the adjoining lot. As a result, this additional vegetation management has not been considered by the proposal and owners consent has not been provided by the adjoining lot. The APZ should be contained wholly within the site boundary and not overlap adjoining private or public land. The RFS have identified that *"in the event that the approval for the easement for vegetation management, cannot be obtained over the adjacent lot, the applicant can if desirous, revise the description of the proposed works, including the change of use of the existing dwelling to an Bed and Breakfast, by virtue of an updated Bushfire Consultants Report, forwarded through to the Consent authority via the NSW Planning Portal, to enable a reassessment of the proposal to be undertaken and if applicable new conditions devised and a advice reissued"*. It is noted that Council's Biodiversity Referrals team do not support the offsite APZ.

Furthermore, it is noted that significant vegetation clearing has occurred within the south-eastern portion of the site. As this area is outside of the any proposed APZ and given its proximity to Ku-ring-gai Chase National Park, vegetation within this area is to be managed under a Biodiversity Management Plan (BMP) in accordance with Northern Beaches Council's Biodiversity Requirements for Development Applications. Site assessment conducted by Council's Biodiversity Officer showed native resilience in the soil bank and as such management of the site will likely be comprised of weed removal and assisted natural regeneration. The BMP is to be prepared by a suitably qualified professional and should not be onerous in nature, however have a practical approach to management of the site. The BMP is to consider threatened species within proximity to the site and their potential for occurring within the seedbank.

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.