
From: Evan Turner
Sent: 26/05/2025 8:08:26 PM
To: DA Submission Mailbox
Subject: Submission on DA2025/0448 - 100 Hilltop Road AVALON BEACH NSW 2107

To the assessing officer,

This submission details my strong opposition to the proposed dwelling house development at 100 Hilltop Road (DA2025/0448). My concerns stem from the significant environmental impacts, critical non-compliance with statutory planning instruments, and the proposal's direct contradiction of Northern Beaches Council's stated strategic goals and legislative obligations.

Grounds for Opposition

1. Direct and Serious Impacts on Endangered Ecological Community (EEC) and Threatened Species

The submitted Biodiversity Development Assessment Report (BDAR) by Kingfisher Urban Ecology and Wetlands (dated 22 April 2025) explicitly identifies the presence of Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion EEC on the subject land. This EEC is listed as an Endangered Ecological Community under the NSW Biodiversity Conservation Act 2016 (BC Act) and is unequivocally designated as a Serious and Irreversible Impacts (SAII) entity. The proposal would result in the clearing and modification of 0.1 hectares of this critically important ecological community.

Furthermore, the BDAR confirms the presence of two threatened bat species, the Large-eared Pied Bat (*Chalinolobus dwyeri*) and the Eastern Cave Bat (*Vespadelus troughtoni*), both of which are also listed as SAI entities. The development would impact 0.1 hectares of foraging habitat for both these species, necessitating species credits for offsetting.

The concept of "Serious and Irreversible Impacts" under the BC Act signifies impacts so severe that they are unlikely to be offset or mitigated. The BDAR's assessment of these SAI entities, requiring ecosystem and species credits (2 ecosystem credits and 3 species credits for each bat species), highlights the proposal's quantifiable and significant environmental harm. This directly contradicts the objectives of Clause 7.6 Biodiversity) of the Pittwater Local Environmental Plan 2014 (LEP), which aims to "maintain terrestrial... biodiversity by protecting native fauna and flora, and protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats". The proposed impacts are fundamentally antithetical to these protective aims.

2. Excessive Tree Removal and Contradiction of Council's Canopy Goals

The Arboricultural Impact Assessment (Arborlogix, 16 July 2024) reveals a staggering level of tree removal: twenty-two (22) of the thirty (30) surveyed trees on the site are recommended for removal. This represents approximately 73% of the site's tree population. While some are deemed "low retention value," the report also indicates the removal of "medium" and even "high retention value" trees (e.g., Tree 8, *Eucalyptus eugenioides*) due to conflicts with the proposed building footprint or APZ requirements. This demonstrates a design that prioritizes development over significant ecological assets.

It is also notable that Tree 8, identified as *Eucalyptus eugenioides* (Thin-leaved Stringybark) and listed with a 'High' retention value for removal, is a species with very few records within a 5km radius of the site. This raises questions about the species' accurate identification and its true local ecological significance, further highlighting potential discrepancies in the assessment of trees slated for removal.

This level of clearing directly and severely contradicts Pittwater 21 Development Control Plan (DCP) Control B4.7, which explicitly states: "Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees". The removal of 22 canopy trees on a single residential block cannot be considered anything other than a "significant onsite loss."

Furthermore, this proposal stands in stark opposition to Council's broader environmental strategies:

- The 2022 Tree Canopy Plan aims to "protect and increase Northern Beaches Council's tree canopy cover".
- The Draft Tree Management Policy February 2025 seeks to "Maximise tree cover by enhancing and promoting protection, increasing n

3. Fundamental Non-Compliance with Planning Controls (LEP & DCP)

The Statement of Environmental Effects (SEE) by Oliver Keaveney (18 March 2025) acknowledges significant non-compliance with core planning controls, attempting to justify them based on the site's steepness. However, these multiple and substantial breaches indicate a fundamental unsuitability of the proposed scale of development for this challenging site:

- Pittwater LEP 2014, Clause 4.3 (Height of Building): The proposed maximum height of 11.6m significantly exceeds the 8.5m limit. While
- Pittwater 21 DCP, D1.8 (Front Building Line): The proposed garage setback of 1.52m is a stark departure from the 6.5m standard. The
- Pittwater 21 DCP, D1.11 (Building Envelope): The proposal is explicitly "Non Compliant". The SEE's rationale that compliance would "r

These numerous, interlinked non-compliances do not represent minor adjustments but rather a fundamental mismatch between the proposed development's scale and the site's capacity to accommodate it in an environmentally responsible manner.

4. Disruption of Habitat and Wildlife Corridors

The proposed development directly undermines the objectives of Council's Habitat and Wildlife Corridors Conservation Strategy. This strategy emphasizes the importance of "identifying, protecting, and connecting areas of natural habitat to facilitate the movement of wildlife". The extensive clearing of 0.1 hectares of forested land, particularly with the removal of 22 canopy trees, will inevitably fragment and degrade existing habitat connectivity. The BDAR notes that the Large-eared Pied Bat and Eastern Cave Bat, both present on site, "rely on well-connected forested landscapes for foraging, roosting, and movement" and are "vulnerable to prescribed impacts, particularly the loss of canopy connectivity". While a "bushland regeneration area" is proposed, its effectiveness in maintaining critical canopy connectivity for these highly mobile species post-development, given the significant upfront loss, is questionable. This directly conflicts with the strategy's aims to ensure "long-term viability of local ecosystems and wildlife movement".

5. Legislative and Strategic Contradictions

Beyond specific LEP and DCP clauses, the proposal contradicts broader legislative frameworks and Council's strategic vision:

- * ·NSW Environmental Planning and Assessment Act 1979 (EP&A Act): Part 4 of this Act governs development requiring consent. The ve
- * ·NSW Biodiversity Conservation Act 2016 (BC Act): The identification of SAI entities is a critical aspect of this Act, indicating impacts th
- * ·State Environmental Planning Policy (Coastal Management) 2018 (formerly SEPP 71): While the SEE claims compliance, the site's pr
- * ·Northern Beaches Community Strategic Plan 2040: This foundational document sets a long-term vision including "Protection of the env

Conclusion

The proposed development at 100 Hilltop Road, Avalon Beach, represents an overdevelopment of a sensitive site with severe and irreversible environmental consequences. Its direct impacts on an Endangered Ecological Community and SAI-listed threatened species, coupled with the wholesale removal of a large proportion of existing trees, are indefensible given Council's clear policies and legislative obligations to protect and enhance the natural environment. The numerous and fundamental non-compliances with the Pittwater LEP and DCP further demonstrate a design that is inappropriate for this challenging site.

We respectfully request that Northern Beaches Council uphold its environmental commitments and statutory responsibilities by refusing this Development Application.

Warm regards,
Evan Turner-Schiller

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