

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0849
Proposed Development:	Construction of a dwelling house
Date:	21/08/2024
Responsible Officer	Nick England
Land to be developed (Address):	Lot 34 DP 20097 , 231 - 233 McCarrs Creek Road CHURCH POINT NSW 2105 Lot 35 DP 20097 , 231 - 233 McCarrs Creek Road CHURCH POINT NSW 2105

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 proposal has been assessed against the following applicable biodiversity-related provisions:

- SEPP (Resilience and Hazards) - Coastal Environment Area
- Pittwater LEP Clause 7.6 - Biodiversity Protection
- Pittwater DCP Clause B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor

The submitted Tree Retention Plan indicates that only three site trees (Trees 1, 16 and 18) are proposed for retention, with an unquantified number of black she-oaks to also be removed. Given that the development will be occurring over two lots which are being consolidated, it is considered that the level of proposed tree removal is excessive for this large consolidated lot, which is inconsistent with the requirement to avoid and minimise impacts to biodiversity. Whilst it is acknowledged that Planning for Bushfire Protection 2019 requires the establishment of a new Asset Protection Zone (APZ), this still allows for canopy coverage of up to 15% within the Inner Protection Area and does not necessitate the removal of almost all trees on site.

Therefore at this stage, the Biodiversity Referrals Section is not satisfied that the proposal complies with the applicable LEP and DCP biodiversity controls, as it is not demonstrated that it has been designed to avoid or minimise adverse environmental impact. The applicant is encouraged to consider a redesign of the proposal to allow for the retention of trees and greater retention of native understory vegetation and natural landscape features.

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.