

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/1715
<b>Proposed Development:</b>	Alterations and additions to a dwelling house including a swimming pool and construction of a boat shed
<b>Date:</b>	06/02/2023
<b>Responsible Officer</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 56 DP 7794 , 60 Hudson Parade CLAREVILLE NSW 2107

### 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 application is proposing alterations and additions to the existing dwelling house and the construction of ancillary garage, boat storage and a new swimming pool. Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:

- Biodiversity Conservation Act 2016 (BC Act) and Biodiversity Conservation Regulation 2017
- State Environmental Planning Policy (Resilience and Hazards) 2021
- 2.10 Development on land within the coastal environment area
  - Pittwater Local Environmental Plan (PLEP)
- 7.6 Biodiversity Protection
  - Pittwater Development Control Plan (PDCP)
- B4.7 Pittwater Spotted Gum Forest

Council's Biodiversity Unit do not support the proposal in its current form and concur with the matters raised by Council's Landscape Referral team. The key concerns raised by Biodiversity include:

1. The development fails to provide an ecological assessment.
2. The proposed development does not demonstrate adequate avoidance or minimisation of biodiversity impacts in accordance with relevant legislation

3. The proposed impacts to Pittwater Spotted Gum Forest within the site are considered non-compliant with Clause 7.6 of the Pittwater Local Environmental Plan 2014 and B4.7 of the Pittwater 21 Development Control Plan.

Further detail on points (1) - (3) is provided below.

(1) Any new DA submitted to Council under Part 4 of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act), may require assessment under the provisions of the Biodiversity Conservation Act. The application should be accompanied by a Flora and Fauna Assessment (FFA) prepared by a suitably qualified ecologist. The assessment should assess the biodiversity values of the subject site, include a Threatened species 'Tests of Significance' for any applicable threatened entities, prepared in accordance with Section 7.3 of the BC Act, a discussion of measures undertaken to avoid and minimise impacts of the development (see below), and identification of mitigation and/or compensatory measures to reduce impacts following avoidance and minimisation of impacts. The applicant should refer to the Biodiversity Requirements for Development Applications Guideline available on the Council website.

(2) The NSW Biodiversity Conservation Act 2016 (BC Act) and Biodiversity Conservation Regulation 2017 (BC Regulation) requires that developments are first designed to avoid and minimise impacts to the natural environment, and then the residual impacts can then be assessed. The residual impact is the impact remaining after measures to avoid and minimise impacts to biodiversity have been applied. The development requires the removal of several trees that are characteristic of the Endangered Ecological Community Pittwater Spotted Gum Forest. This loss of vegetation is not supported and the footprint of the additions should be re-designed to minimise the loss to an acceptable degree. Additional justification of the tree removals proposed as part of a revised design is required. The applicant is encouraged to explore alternative design options that retain the significant biodiversity features within the site and utilise the existing vegetation, which is then complimented by suitable landscaping. No evidence of lower impact design options have been presented with the proposal, and therefore it is assumed that none have been considered.

(3) At present, the application seeks to remove the majority of larger canopy trees, which are components of the TEC Pittwater Wagstaff Spotted Gum Forest. The proposed landscaping will not adequately offset the long-term loss, and is therefore considered inconsistent with PLEP7.6 and PDCP 4.7, and the development should not result in significant onsite loss of canopy cover or a net loss in native canopy trees. While four *Corymbia maculata* (Spotted Gums) are shown on the Landscape Plans proposed by Arcadia, the common name and mature height information is inconsistent, and there is doubt around the tree replacements proposed. A high percentage of native plants proposed should be characteristic of the Pittwater Spotted gum community, in order to comply with the relevant controls.

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.