

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/1164
<b>Date:</b>	18/08/2021
<b>Responsible Officer</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 129 DP 16902 , 521 Barrenjoey Road BILGOLA BEACH 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

Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related provisions:

- Pittwater LEP cl. 7.6 Terrestrial Biodiversity
- Pittwater 21 DCP cl. B4.17 Littoral Rainforest - Endangered Ecological Community
- Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- Coastal Management SEPP 2018 cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest

The Development Application seeks consent for the construction of a new dwelling house including swimming pool, within a vacant vegetated block of land.

It is noted that the following biodiversity related reports/documentation have been reviewed during the assessment of this proposal:

- Statement of Environmental Effects (Peter Downes Designs)
- Arboricultural Impact Assessment Report (Joanne Willis, June 2021)
- Flora and Fauna Surveys and Biodiversity Impact Assessment (ACS Environmental, June 2021)
- Bushfire Risk Assessment (Bush Fire Planning Services, June 2021)
- Landscape Plan (Aspect Designs, January 2021)

The Arborist Report recommends the removal of a total of 28 native prescribed trees which form part of

PCT 1778: Coastal Sandstone Foreshores Forest as identified by Ecologist. This is a loss of approximately 460m<sup>2</sup> of PCT 1778 (ACS Environmental, June 2021). 30 of the 53 trees are located within the subject site, and of these, 20 are proposed for removal. This is a reduction in canopy trees by 66%.

The Biodiversity Impact Assessment has addressed PLEP cl. 7.6 within the report, however it appears that the statements provided do not adequately assess the proposed impacts. The Ecologist states that *"the individuals mostly occur in only fair condition, and this removal would be offset by replacement planting of species landscaped to 80% of representative species for Coastal Sandstone Foreshore Forest. This offset could be considered adequate to maintain the condition, ecological value and habitat for flora and fauna at this small section of the subject land"*. The Landscape Plan has only proposed one (1) replacement tree, an *Angophora costata*, which is not sufficient to offset the removal of 28 mature trees.

The reduction of native canopy trees as a result of the proposed development is a loss of approximately 66% from the site, and unfortunately given the size of the development and existing trees proposed for retention, it does not seem feasible to sufficiently offset the canopy trees proposed for removal at a ratio of even 1:1. Furthermore, as the site is designated as an Asset Protection Zone (APZ), any new landscaping to the site will be required to comply with the principles of Appendix 4 and section 3.7 of Planning for Bush Fire Protection 2019.

The subject site is located within the Flora and Fauna Conservation Areas-Category 2 map in accordance with cl. B4.4 of the P21DCP, which prescribes that development shall provide flora and fauna habitat and wildlife corridors by active restoration, regeneration, and/or creation. The development does not comply with this clause as it will impact connectivity within the wildlife corridor due to direct impact of removal of trees and lack of adequate replacement of lost habitat.

In relation to the Coastal Management SEPP, the SEE simply states *"The writer submits that the proposed development will have no impact on the coastal processes, or public use, or access to a beach or adjoining coastal headland"*. Further assessment of the potential impacts on the patch of Littoral Rainforest below the site is required in relation to the following:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Due to the tree removal proposed, and lack of offset planting proposed, the development does not comply with P21DCP cl. B4.4 and cl. B4.17, as the proposal will result in a significant onsite loss of canopy cover and a net loss in native canopy trees and will cause impacts to connectivity within the mapped wildlife corridor.

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.