

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/2039
Date:	05/04/2022
Responsible Officer	Adam Mitchell
Land to be developed (Address):	Lot 808 DP 752038 , 70 A Willandra Road NARRAWEENA NSW 2099

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 seeks approval for the construction of a new dwelling, driveway crossing and associated landscaping works. In addition, the application also seeks to establish an Asset Protection Zone (APZ) over a portion, approximately 0.39ha of the site.

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)
Biodiversity Conservation Regulation 2017 (BC Reg)
Warringah Local Environmental Plan 2000

- B2 Oxford Falls Valley

On review of the application and supporting documents, concern is raised over inconsistencies between the size, and intensity of vegetation modification required to establish necessary bushfire hazard reduction.

The submitted Bushfire Assessment Report (BC&BHS 2021) states: "The proposed Asset Protection Zones (APZs) are 23 metres to the north, 23 metres to the northeast and 13 metres to the east" (p.6), and provides the recommendation; "That all grounds indicated as an APZ on the proposed site plan prepared by Saturday Studio, Project No.18016, Revision A, Dated 12/12/19 are to be maintained as an Asset Protection Zone (Inner Protection Area) as detailed... The outer 25 metres of the APZ to the south may be managed as an Outer Protection Area (OPA) in accordance with Table A1.12.4 of PBP" (p16). On review of the referenced Site Plan (Saturday Studio 2019), the depicted APZ extends for 23m along the entire eastern facade except for a small area in the southeast that measures 13m. It

is unclear what portion, if any, would be considered the outer 25m to the south that would be managed as an OPA, a statement which is also contradicted by the submitted Biodiversity Management Plan (Travers 2021) which states that the "site only has an IPA" (p28).

It is noted that the Bushfire Assessment Report (BC&BHS 2021) has recommended construction to BAL-FZ. It is therefore unclear why proposed APZs are required to be 23m on the northern and northeastern aspects with a 20m (unspecified) between the dwelling and Lady Penrhyn Drive (Saturday Studio 2019). These distances appear to far exceed those required under PBP 2019 Table A1.12.5. Additional clarification is requested to justify the proposed APZs in the context of avoiding and minimizing impacts to biodiversity.

Concern is also raised over the assessment provided in s4.1.2 of the Flora and Fauna Assessment (Travers Bushfire & Ecology 2021), which has not accounted for the future 10/50 eligibility that would apply to the dwelling, and must be accounted for. The Biodiversity Referral Team direct the consultant to 'Biodiversity Offsets Scheme Accredited Assessor Update 50' for additional information:
<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/biodiversity-assessment-method-assessor-update-50.pdf?la=en&hash=668FBEA961524F1504E44349F32DA800C82C4C2C>

In applying the 10/50 clearing eligibility to the assessment, the impact to native vegetation exceeds the 0.5ha BOS trigger. Clearing would also overlap with the mapped Coastal Upland Swamp and threatened species habitat which would constitute a significant impact. On this basis the proposal is not supported.

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.