

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/1539
Proposed Development:	Construction of a dwelling house
Date:	02/12/2024
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 32 DP 20097 , 237 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 comments in this referral relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Planning for Bushfire Protection 2019
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP Clause B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor

The submitted Statement of Environmental Effects prepared by Bic Town Planning has not addressed the applicable biodiversity controls including Pittwater LEP Clause 7.6 Biodiversity Protection and Pittwater DCP Clause B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor.

The proposal has been submitted with an arborist report that has recommended the removal of a total of 21 prescribed trees including a total of 5 high value category trees. Trees found outside of the property boundary are also proposed for removal.

The submitted bushfire report has awarded the site a Bushfire Attack Level of Flame Zone and has stated that "The site will be cleared of bushland vegetation to accommodate for the development and APZ. The site is not mapped as having biodiversity values."

Although the site is constrained due to its nature by being a sloping bushland block a number of objections arise:

- The Statement of Environmental Effects has failed to address the applicable Biodiversity controls within the Pittwater Local Environment Plan and Development Control Plan, these controls need to be addressed.
- The application has failed to demonstrate that the principles of Avoidance and Minimisation to the natural environment established within the Environmental Planning and Assessment Act 1979 and the NSW Biodiversity Conservation Act 2016 have been considered. The application in its current form will require the removal of all bushland vegetation from the site in an area of high ecological value.
- The application has been submitted without a Flora and Fauna Assessment as established in the Northern Beaches development application guidelines: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/media/files/2024-05/Biodiversity%20Requirements%20for%20Development%20Applications%20-%202024.pdf?1715582608. The assessment is required as 4 or more trees are proposed for removal and should demonstrate the steps taken to avoid and minimise impacts to the natural environment.

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.