

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2022/0112
Date:	22/04/2022
Responsible Officer	Olivia Ramage
Land to be developed (Address):	Lot 27 DP 28669 , 950 Barrenjoey Road PALM BEACH NSW 2108

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 modification to the approved dwelling, including the removal of a landscape planter box. The applicant has also submitted a letter from a bushfire consultant who has recommended removal of two trees that were to be retained as part of the development as approved.

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 2.8 Development on land in proximity to coastal wetlands or littoral rainforest

Pittwater Local Environmental Plan (PLEP)

7.6 Biodiversity Protection

Pittwater Development Control Plan (PDCP)

B4.17 Littoral Rainforest- Endangered Ecological Community

It is noted that since the date of the original application the site is now located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity Values (BV) Mapping, therefore any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) -see <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

On review of the application, it is understood that the bushfire consultant has proposed removal of two additional native trees within DPIE's BV Mapping, which constitutes 'clearing' of native vegetation as defined by subclause 60C of the Local Land Services Act 2013. However the original consent

included an approved bush fire asset protection zone conditioned by the NSW RFS (26 October 2018) which was defined as follows.

At the commencement of building works, and in perpetuity, the area around the proposed dwelling shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' as follows:

- North East: Inner Protection Area (IPA) for a distance of 15 metres; and,
- All other directions: IPA to the property boundaries.

As the landowner has an approved APZ clearing entitlement relating to an existing building, approved clearing in these areas does not need to be considered in determining whether a biodiversity development assessment report is required for a subsequent development application. As the two trees proposed for removal are within this zone, the applicant is not required to prepare a Biodiversity Development Assessment Report (BDAR).

In addition, the proposed works are not located within a mapped coastal littoral rainforest area, rather within the proximity area adjacent. Council is therefore satisfied there will not be a significant impact on the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest, or on the quantity and quality of surface and ground water flows to and from an adjacent littoral rainforest area.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.