

22 December 2021

Matt R Goodman  
365 Bay Street  
PORT MELBOURNE VIC 3182

Dear Sir/Madam,

**Development Application No: DA2021/2097 for Alterations and additions to a dwelling house including a swimming pool at 918 Barrenjoey Road PALM BEACH.**

I refer to your Application which is under assessment by Council.

The assessment of your application has revealed particular issues, which prevent Council from supporting the proposal in its current form.

These are discussed below:

**Biodiversity**

Council's Biodiversity Officer has provided the following comments:

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

- Biodiversity Conservation Act 2016 (BC Act)
- Biodiversity Conservation Regulation 2017
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- Coastal Management SEPP 2018 cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest
- Coastal Management SEPP 2018 cl. 13 Development on land within the coastal environment area

The Development Application seeks consent for alterations and additions to the existing dwelling house including the installation of a swimming pool and garage. The application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity.

The property is located within the Biodiversity Values (BV) Map designated by the NSW State Government (Department of Planning, Industry and Environment), making it subject to the provisions of the NSW Biodiversity Conservation Act 2016. Development



occurring within the BV Map will require assessment under the Biodiversity Assessment Methodology (BAM) 2020 if it involves:

- Impacts to Native Vegetation (as defined under 60B of the Local Land Services Act 2013), including clearing and/or establishment of Asset Protection Zones; or
- Prescribed actions (as defined under 6.1 of the Biodiversity Conservation Regulation 2017).

Impacts including those outlined above that occur within the Biodiversity Values Map will trigger the Biodiversity Offsets Scheme (BOS) and require a Biodiversity Development Assessment Report (BDAR) to be prepared by an accredited assessor and submitted with the application.

Four (4) native trees are proposed for removal as part of the development application (Vertical Tree Management & Consultancy, August 2021), two (2) of which are located within the BV map (Trees 4 and 5). Additionally, the APZ will overlap with the BV Map.

Submission of a **(1)** Landscape Plan (Matt Goodman, October 2021) and **(2)** Biodiversity Development Assessment Report (BDAR) (Kingfisher Urban Ecology and Wetlands, October 2021) are noted.

**(1)** The Landscape Plan seeks to remove weeds, and restore locally-native vegetation. It is noted that whilst the Landscape Plan has proposed a range of native species for planting, none of the species selected are representative of Pittwater Spotted Gum Forest. As such, the Landscape Plan is to be amended. Four (4) replacement canopy trees are required to be planted within the site as part of landscaping to comply with P21 DCP cl. B4.7 to ensure that the development does not result in no significant onsite loss of canopy cover or a net loss in native canopy trees. Canopy species are required to be selected from Pittwater Spotted Gum Forest species, including at least one (1) *Corymbia maculata*.

**(2)** Broadly, no objection is raised to the impact assessment, or recommendations presented in the submitted BDAR, however concern is raised over the method in which the Vegetation Integrity (VI) score was calculated for the Plant Community Type within the site.

Section 3.1.1 of the BDAR (Kingfisher 2021) states:

*"Due to the small size of vegetation the plot was split into 2 sections to make up the survey area. Plots were as per the BAM Method with 20x20 plots (400m<sup>2</sup>) for assessing structure and composition with a center line extending 50m to great a 20 x 50 plot (1000m<sup>2</sup>) to assess function."*

Mapping files submitted to Council, indicate that the BAM Plot was limited to two (2) separate areas of 189m<sup>2</sup> and 312m<sup>2</sup> for assessing structure and composition. This is a total of only 501m<sup>2</sup>. The Accredited Assessor must demonstrate how the 1000m<sup>2</sup> of data that the BAM-C required for 'function' analysis has been derived (i.e. duplicating data to model 1000m<sup>2</sup>), or should in future use a surrogate plot (i.e. in a nearby Council reserve within the same PCT, such as McKay Reserve at the rear of the site). In this case, a surrogate plot would be recommended due to the recent understory clearing within the site. Due to the methodology in which the BAM Plot was undertaken, a



number of important canopy species, located within or overhanging the site, were missed, and only one (1) tree species was recorded within the Plot - *Glochidion ferdinandi*. An additional three (3) canopy species (*Eucalyptus piperita*, *Corymbia gummifera* and *Eucalyptus acmenoides* (identified by Council's Biodiversity Officers as *Eucalyptus umbra*), as outlined in the Arborist Report (Vertical Tree Management & Consultancy, August 2021) should also be represented in the BAM Plot.

Further, the Accredited Assessor has calculated an area of impact of approximately 0.02ha. This calculation does not take into account the proposed APZ which is recommended by the Bushfire Consultant to cover the entire site in perpetuity. The impact area is to be updated to include all vegetated areas, including those recently cleared areas, within the site.

Due to these limitations and other factors, a VI Score of <15 (i.e. '10') was determined by the Accredited Assessor based on a single BAM Plot, which if correct would not require Ecosystem Credits per 9.2.1 of BAM 2020.

It is also noted that the BDAR submitted to Council did not appear to be a finalised version. A finalised version should be resubmitted to Council with the required amendments as discussed above.

Upon receiving the amended and finalised BDAR and BAM-C data as requested within these comments, Council's Biodiversity Referrals team will reassess the application."

Nick might be minor issue but does the wall that acts as a 1.0m high balustrade behind the garage have to be solid looks like its about 4-5m high? - Streetscape issue? R

Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by 5 January 2021 (14 days). If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the NSW planning portal; or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 5 January 2021 at [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au) and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nick England on 1300 434 434 during business hours Monday to Friday.

Yours faithfully



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Rodney Piggott  
**Manager, Development Assessment**