

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1664
Date:	08/10/2021
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 16 DP 650061 , 918 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

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 demolition of the existing dwelling and construction of new dwelling, with associated garage, external decking and pool. 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.

The Arboricultural Impact Assessment (Vertical Tree Management and Consultancy, August 2021) has assessed five (5) native prescribed trees within the property and has recommended the removal of all 5 trees. In contrast, the Statement of Environmental Effects (Matt Goodman Architecture Office, August 2021) has stated that only three (3) of the trees will require removal, however has not specified which are proposed for removal or retention. Furthermore, the Architectural Plans (Matt Goodman Architectural Office, August 2021) have indicated that four (4) trees will be removed (Trees 1, 2, 4 and 5). Clarification is required as to which trees are proposed for removal and retention and relevant reports and documentation are to be amended to ensure consistency. Proposed tree removal is to be mitigated through replanting at a ratio of 1:1 with locally native canopy species representative of Pittwater Spotted Gum Forest EEC. Furthermore, a site visit conducted by Council's Biodiversity Officer confirmed that Tree 6 is a *Eucalyptus umbra*, rather than a *Eucalyptus acmenoides* as identified by the Arborist.

As the application requires the removal of native vegetation and establishment of an APZ within the BV Map, the applicant is required to engage an accredited assessor trained in application of the Biodiversity Assessment Method (BAM) to prepare a BDAR. The BDAR is required to take into account any direct and prescribed impacts to Pittwater Spotted Gum Forest EEC, which is listed as a Serious and Irreversible Impact (SII) entity under the BOS. Any impacts which are considered to be serious and irreversible to Pittwater Spotted Gum Forest EEC as a result of the development will not be supported by Council.

Upon receipt of the amended documentation and submission of a BDAR, Council's Biodiversity referrals team will recommence assessment of the DA.

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.