

7 February 2022

Matt R Goodman
365 Bay Street
PORT MELBOURNE VIC 3182

Dear Matt,

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 and the previous correspondence dated 21 December 2021. I apologise for the delay in responding.

Council's Biodiversity Officer has reviewed the additional information provided and unfortunately, still does not support the proposal in its current form.

These issues are discussed below:

Biodiversity

Council's Biodiversity Officer has provided the following comments, in addition to those already provided on 10 December 2021:

"Council notes the revised and finalised BDAR (Kingfisher October, updated November 2021), including additional information related to the BAM plot and survey methods. While the previous comments have not been addressed in full, especially whether or not the 1000m2 plot area requirement has been addressed, the degraded nature of the site due to past disturbance is acknowledged and the application in this instance has been assessed based on the information provided.

A key aspect of biodiversity conservation legislation, including both the Biodiversity Conservation Act 2016 and the applicable local planning controls, is that a development must first demonstrate appropriate and sufficient steps have been taken to avoid or minimise impact to areas of biodiversity value (see Chapter 7 of the BAM, cl 7.6 of Pittwater LEP and SEPP (Coastal Management) 2018). Only then, if the consent authority is satisfied that this is achieved, relevant biodiversity conservation measures should be considered to offset or compensate any impacts. Sufficient efforts to avoid and minimise impacts on biodiversity values, including retention of trees # 1, 2 & 4) associated with the proposed development have not been demonstrated. Currently, the proposed development will result in the majority of trees within the site, and one tree from the adjoining property.

Further analysis of alternatives such as construction methods, alternative locations and designs that would avoid or minimise impacts on biodiversity values and native trees is required. Specifically, increasing the setback of the proposed patio and swimming pool from the western boundary, and relocation of the stairs in this area is recommended in



order to retain the two trees proposed for removal. The redesign of the garage, stairs and driveway to facilitate the retention of the eucalyptus tree within the front yard is also recommended."

As previously advised, 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 21 February 2022 (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 21 February 2022 at 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 Nic England on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'R. Piggott'.

Rodney Piggott
Manager, Development Assessment