

Memo

Development Assessment

To: Development Determination Panel

Cc: Alex Keller
Acting, Manager Development Assessment

From: Julie Edwards, Planner

Date: 23 July 2019

Subject: DA2019/0055 - 9 Minkara Road BAYVIEW – Amendment to report,
NSW RFS update and revised Clause 4.6

Record Number DA2019/0055

Amendment to report

The following is provided as an amendment to the original assessment report to include additional reasons for refusal.

Recommendation

6. Pursuant to Section 4.14(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Environmental Planning and Assessment Act 1979.
7. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B3.2 Bushfire Hazard of the Pittwater 21 Development Control Plan.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.6 Exceptions to development standards.
9. The proposal is deficient in a number of respects with regard to the information submitted:
 - a. A Biodiversity Management Plan was not provided to address the tasks that must be completed prior to and during construction, as well as ongoing long term management of the site.
 - b. The Biodiversity Development Assessment Report submitted with the application did not address all of the biodiversity impacts on the site and the report did not follow survey guidelines for Species Credit.
 - c. Arborist report was not submitted. The report is required to identify the location, species, health and size of all trees within the 5m of the proposed development.

- d. Landscape Plan was not submitted. The landscape plan is to be consistent with the Biodiversity Management Plan, Biodiversity Development Assessment Report and Arborist Report.
- e. The submitted clause 4.6 written request to vary the development standard is insufficient and does not provided sufficient justification for the non-compliance with clause 4.3 Height of Buildings of the Pittwater Local Environment Plan.

NSW RFS update

As to date, I have had no additional response from NSW RFS other than that received 19 July 2019 where Adam Small, Development Assessment and planning Officer, provided the following response:

"Thank you for your correspondence dated 3 July 2019 regarding bush fire assessment for the proposed development at 9 Minkara Road Bayview (Council Reference: DA2019/0055, NSW RFS Reference: D19/1753).

The NSW RFS has reviewed the information provided and maintains its position that the use of the Short Fire Run (SFR) methodology for this site is inappropriate given the connectivity of the vegetation corridors to forest vegetation capable of sustaining a fully developed fire.

Further discussion regarding this will be undertaken with my Manager and the NSW RFS Policy next week based on availability of the officers. A site inspection will be undertaken in the meantime.

A response will be provided after deliberation on the use of short fire run methodology for the proposal based on observations made during site inspection"

I attempted to call the NSW RFS today (23/07/19) for an update but was unable to speak to responsible officer.

Amended Clause 4.6

The applicant has provided an amended clause 4.6 to address issues raised with the written request to vary the development standard.

Please see Trim Record Number: 2019/412978