

Natural Environment Referral Response - Biodiversity

Application Number:	DA2025/0008
Proposed Development:	Subdivision of two (2) lots into three (3) lots and construction of a dwelling house on future Lot 2 including driveway and services
Date:	19/06/2025
Responsible Officer	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 1271591 , 32 Bellara Avenue NORTH NARRABEEN NSW 2101 Lot 1 DP 305247 , 62 Powderworks Road NORTH NARRABEEN NSW 2101 Lot 35 DP 6462 , 64 Powderworks Road NORTH NARRABEEN NSW 2101

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

AMENDED COMMENTS

The comments in this referral relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

A BDAR prepared by East Coast Ecology (December 2024) has been submitted with the application. The BDAR confirms the presence of PCT 3592: Sydney Coastal Enriched Sandstone Forest. Field investigations have revealed that the impacts of the proposal would include the clearing of 0.08 hectares of PCT 3592, including the removal of a total of 23 native trees as identified by the

Arboricultural report prepared by Joanne Willis (July 2024).

The assessed residual impacts of the development result in the following offset requirements under the Biodiversity Offsets Scheme:

- Retirement of 1 Ecosystem Credit for PCT 3592: Sydney Coastal Enriched Sandstone Forest
- Retirement of 2 Species Credits for *Lathamus discolor* (Swift Parrot)

Amended plans and documents have been submitted indicating that trees 31, 66, 72 and 76 are to be retained and the landscape plan has considered additional canopy trees as part of the landscaping proposal to compensate for the removal of prescribed trees. It should be noted that table 18 of the submitted BDAR includes a range of Impact Mitigation measures which will be used as part of the conditions for the proposed development and will need to be adhered to.

The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

ORIGINAL COMMENTS

The comments in this referral relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

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The submitted arborist report assessed a total of 86 trees and recommended the removal of 23 prescribed trees and an additional 3 exempt trees. The submitted BDAR has indicated in its Avoid and Minimise section that the design has been modified for trees 31, 66 and 76 to be retained, however, these trees are still shown as proposed for removal on "Figure 3: Tree Assessment Schedule" included in the arborist report.

Furthermore, a landscape proposal has been submitted with the application and has included a number of canopy replacement trees which is inconsistent with the recommended impact mitigation strategies included in table 18 of the submitted BDAR where a 1:1 replacement ratio. Additionally,

species identified as weeds should not be included in the planting schedule (i.e Raphiolepis).

While it is acknowledged that the design has reduced the overall impacts to trees, inconsistencies between the submitted documents need to be addressed before the Biodiversity referral can be concluded. The Biodiversity referral assessment will recommence upon receipt of the following amended documentation:

- Amended arborist report confirming that trees 31, 66 and 76 can be retained.
- Amended landscape plan including a planting schedule compensating for the proposed tree removals where a minimum of 1:1 canopy replacement within the site boundaries.

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:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

Ecosystem Credit Retirement - Like for Like

Before the issue of a subdivision works certificate:

- The class and number of ecosystem credits in the table/s below must be retired to offset the residual biodiversity impacts of the development;
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority.

Table 1. Like for like ecosystem credits to be retired - non-threatened ecological community

Impacted plant community type	Number of ecosystem credits	Hollow bearing trees (HBTs)	IBRA subregions from which credits can be used to offset the impacts from development	Trading group that can be used to offset the impacts from development
PCT 3592 - Sydney Coastal Enriched Sandstone Forest	1	No	Pittwater, Cumberland, Sydney, Cataract, Wyong and Yengo. Or From an IBRA subregion within 100km of the outer edge of the impacted site	Credits from the Sydney Coastal Dry Sclerophyll Forest $\geq 50\%$ and $< 70\%$.

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

Species Credit Retirement - Like for Like

Before the issue of a subdivision works certificate:

- The class and number of species credits identified in the table below must be retired to offset the residual biodiversity impacts of the development; and
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority.

Table of species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA subregions from which credits can be used to offset the impacts from development	Species that can be used to offset the impacts from the development
Lathamus discolor (Swift Parrot)	2	Anywhere in NSW	Lathamus discolor (Swift Parrot)

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Compliance with Ecologist's Recommendations – Pre-construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Ecologist's Recommendations – During Construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Pre-clearance Survey - Certified by Project Ecologist

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE****Compliance with Ecologist's Recommendations – Post Construction**

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the

development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Compliance with Ecologist's Recommendations – Ongoing

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.