

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/0782
<b>Date:</b>	24/06/2022
<b>Responsible Officer</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot 17 DP 26254 , 110 Wallumatta Road NEWPORT NSW 2106

### 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

The application is for a secondary dwelling and has been assessed against the following biodiversity relevant planning controls

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- State Environmental Planning Policy (Resilience and Hazards) 2021 Cl. 2.8 Development on land in proximity to coastal wetlands or littoral rainforest
- Pittwater Local Environmental Plan 2014 Cl 7.6 – Biodiversity
- Pittwater 21 Development Control Plan 2014 B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

The development will not see any substantial disturbance to the existing flora, with the existing trees to remain on the site. A Flora and Fauna Report has been prepared by Kingfisher Urban Ecology and Wetlands dated March 2022. The report concludes that the proposal will not have an adverse impact on the existing flora and fauna identified within the site and includes recommended mitigation measures to reduce the potential for impacts resulting from the works. The Report demonstrates that while the development will occur within an area mapped on the NSW Biodiversity Values Map, the development will not require the removal of native vegetation, and therefore the NSW Biodiversity Offset Scheme (BOS) is not triggered. The SEE has also addressed the potential impacts of the development against the SEPP, LEP and P21 DCP.

In addition to clearing of native vegetation, within BV mapped areas the BOS applies to other biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017. Kingfisher have not specifically addressed clause 6.1, however in this instance, and based on the descriptions of the

existing site conditions, the biodiversity values on site, and lack of threatened species habitats Council is satisfied that the development will not result in prescribed impacts.

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Compliance with Ecologist's Recommendations – During Construction**

All construction biodiversity-related measures specified in section 6.1 of the Flora and Fauna Report (Kingfisher 2022) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with construction measures are to be certified by the Certifying Authority prior to issue of the Construction Certificate.

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

#### **Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

### **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **Compliance with Ecologist's Recommendations – Post Construction**

All pre-construction biodiversity-related measures specified in section 6.1 of the Flora and Fauna Report (Kingfisher 2022) and these conditions of consent are to be implemented at the appropriate stage of the development.

Satisfactory establishment/initiation of post-construction measures is to be certified by the Principal Certifying Authority 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 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority 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 2019 – 2023) within the development footprint are to be removed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority 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 post-construction biodiversity-related measures specified in section 6.1 of the Flora and Fauna Report (Kingfisher 2022) and these conditions of consent are to be implemented at the appropriate stage of the development.

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.