

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1200
Date:	03/09/2021
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 152 DP 29335 , 1 Kanimbla Crescent BILGOLA PLATEAU NSW 2107

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
- Biodiversity Conservation Regulation 2017
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.17 Littoral Rainforest - Endangered Ecological Community
- Coastal Management SEPP 2018 cl. 10 Development on certain land within coastal wetlands and littoral rainforests area

The Development Application seeks consent for alterations and additions to the existing dwelling, including the construction of a new carport.

The Arboricultural Impact Assessment (Growing My Way, July 2021) recommends the removal of two (2) trees; Tree 1 (*Synoum glandulosum*) and Tree 2 (*Syzygium paniculatum*).

A small portion of the site is located on the Biodiversity Values (BV) Map, which identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The map forms part of the Biodiversity Offsets Scheme (BOS) threshold, which is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal. The map is prepared by the Department of Planning, Industry and Environment (DPIE) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Development occurring within the BV map 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*).

As Tree 1 is located within the BV Map and requires removal, the applicant is required to engage an accredited assessor to prepare a Biodiversity Development Assessment Report (BDAR) and submit as additional information.

Furthermore, Tree 1 is located within a patch of Littoral Rainforest mapped under the Coastal Management SEPP and therefore the provisions of clause 10 of the Coastal Management SEPP are required to be addressed within the BDAR, noting subclause (4) *A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.*

Upon receipt of the BDAR, Council's Biodiversity referrals team will recommence assessment of the proposal.

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.