

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/0374
<b>Date:</b>	13/05/2022
<b>Responsible Officer</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot B DP 390788 , 1744 Pittwater Road BAYVIEW NSW 2104 Lot PO 164136 , 1744 Pittwater Road BAYVIEW NSW 2104

### 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 team have reviewed the proposal against relevant planning provisions including; Pittwater LEP 2014

- Clause 7.6 Biodiversity

Pittwater 21 DCP controls

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

NSW Biodiversity Conservation Act 2016

- Section 7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats.

The proposal identifies the removal of two trees which are not considered of biodiversity value. However, as identified in Council's landscape referral, further information is required to clarify or confirm potential impacts on select trees which are part of the Pittwater Spotted Gum Threatened Ecological Community (TEC). Where tree removal or impacts are subsequently proposed, further assessment and reporting will be required. Council's biodiversity team recommend avoiding and minimising impacts to all existing Spotted Gums including by way of redesign where necessary. Where tree removal is proposed, assessment of impacts to the TEC under Section 7.3 of the NSW Biodiversity Conservation Act 2016 will be required. The assessment must be completed by a suitably qualified ecological consultant. Landscaping should also including greater provision of local native species as required by

Pittwater DCP, clause B4.7.

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.