

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2024/0741
<b>Proposed Development:</b>	Reconstruction of an access driveway
<b>Date:</b>	11/07/2024
<b>Responsible Officer</b>	Thomas Burns
<b>Land to be developed (Address):</b>	Lot 39 DP 11356 , 38 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 40 DP 11356 , 36 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 41 DP 11356 , 34 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 421 DP 1004511 , 32 A Nareen Parade 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

The following biodiversity-related controls and legislation apply to the subject sites:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- NSW Biodiversity Offsets Scheme (BOS)
- SEPP (Resilience and Hazards) - Coastal Wetlands Proximity Area
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Portions of the subject site were added to the NSW Government's Biodiversity Values Map (BV Map) on 29 September 2023. In accordance with the Biodiversity Conservation Act (BC Act), any development which results in impacts to native vegetation within the BV Map will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

Review of the submitted reports and plans indicated that the nine native trees proposed for removal are located within the BV Map. Council staff subsequently sought advice from the NSW Department of

Climate Change, the Environment, Energy and Water (DCCEEW) to confirm the purpose for which the site had been identified on the BV Map. Council was advised that the site had been added due to modelling of threatened species habitat undertaken by DCCEEW, and that "any native vegetation clearing proposed on land mapped on the BV Map will trigger the BOS". A BDAR is therefore required to be prepared by an ecologist who is accredited to administer the NSW Biodiversity Assessment Method (BAM) (an 'Accredited Assessor'). The Accredited Assessor is to add Council as a case party in BOAMS.

The applicant may wish to consider a BV Map Review; however, it should be noted that DCCEEW have advised that: "a BV Map review could be requested although for this species, reviews of the map will only be conducted where there are areas of hard surfaces or cleared land (with appropriate approvals), non-native or non-woody vegetation. As part of a property review areas with suitable habitat (for this species) can also be added to the important habitat map".

Further information about reporting requirements can be found in Council's Biodiversity Guidelines for Applicants.

The Biodiversity referral will recommence upon receipt of an acceptable BDAR.

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.