

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/1527
Date:	04/11/2022
Responsible Officer	Stephanie Gelder
Land to be developed (Address):	Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT BAY NSW 2105

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 proposal has been assessed against the following applicable biodiversity-related provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- SEPP (Resilience and Hazards) - Coastal Environment Area
- Pittwater LEP Clause 7.6 - Biodiversity Protection
- Pittwater DCP Clause B4.7 - Pittwater Spotted Gum Forest Endangered Ecological Community

The site contains Pittwater Spotted Gum Forest Endangered Ecological Community (EEC) and consequently, portions of the site are identified on the Department of Planning, Industry and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act and Regulation, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

However, the submitted plans and documentation indicate that works associated with the alterations and additions will not result in impact to native trees, including those identified on the BV Map. Additionally, the submitted bushfire risk assessment report confirms that the development can achieve compliance with Planning for Bushfire Protection 2019 through reliance on the existing Asset Protection Zone (APZ) approved under DA2020/003. It is therefore assumed that no additional vegetation removal will be required to facilitate the development and that entry into the BOS is not triggered.

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

Wildlife Protection

If construction activity associated with this development results in injury or displacement 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**

Clearing for Asset Protection Zones

Any clearing of vegetation for APZ maintenance is to prioritise removal of declared and environmental weeds before native vegetation is cleared for APZs. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife.

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 Certifier prior to issue of any Occupation Certificate.

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

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

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.