

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0195
Responsible Officer	Georgia Quinn
Land to be developed (Address):	Lot 6 DP 12463 , 54 Irrubel 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 proposal has been assessed against the Biodiversity Conservation Act, SEPP Coastal Management, Pittwater LEP 7.6, and DCP B4.6.

The rear of the site contains a closed canopy that includes native species such as *Syncarpia glomulifera* and *Livistona australis*, and a disturbed terraced landscape with dispersed natives and exotic plantings as an understorey.

The proposed secondary dwelling is located at the rear of the site within an area that is mapped as Littoral Rainforest on the NSW Biodiversity Values map and triggers the Biodiversity Offsets Scheme under the NSW Biodiversity Conservation Act 2016 and Regulation 2017. As such, the applicant is required to submit a Biodiversity Development Assessment Report (BDAR) prepared by an Accredited Assessor. The BDAR is to include:

- Proposed development footprint;
- Likely construction impacts, including site access for equipment and machinery, material and waste stockpiles;
- Installation of services and stormwater infrastructure, OSD tanks, changes in hydrology;
- Indirect impacts to biodiversity such as soil disturbance, runoff, waste water disposal, artificial lighting;
- Asset Protection Zones and any additional requirements required by the Rural Fire Service and identified in the submitted Bushfire report

The site is also located on the SEPP Coastal Management Littoral Rainforest and buffer area map, the Pittwater LEP Biodiversity map and the DCP Wildlife corridor map. The SEE is to include discussion of how the proposal has been designed, scaled and sited to avoid and mitigate impact to trees and the Littoral Rainforest EEC and must address the provisions of the State Environmental Planning Policy (Coastal Management) 2018.

Significant native trees (*Syncarpia glomulifera* and *Livistona australis*) are located at the rear of the site and on the adjacent neighbours properties, and are within 5m of the proposed secondary dwelling. Pursuant to DCP B4.6, an Arborist report (prepared by a Level 5 AQF Arborist) is required to assess all native trees within 5m of the proposed works, including excavation, fill or changes in soil level. The report is to indicate the location, species, health and size of trees, assess the impact of the proposal upon those trees, identify any trees that cannot be retained and provide management measures for all trees proposed to be retained. For any trees that cannot be retained, replacement planting is to be provided on a Landscape Plan. It is noted some of the trees may be located within 2m of the proposed secondary dwelling and removal would be permitted without a Council permit once the secondary dwelling is constructed. Thus the Landscape Plan is also to include replacement planting for any trees located within 2m of the proposed works.

There is insufficient information to meet the NSW legislative requirements and to demonstrate compliance with the Pittwater LEP and DCP controls. The following is required:

- BDAR as detailed above
- Revised SEE to address above requirements
- Arborist report as detailed above
- Landscape Plan identifying replacement planting for any trees that cannot be retained, or are within 2m of the secondary dwelling, and 80% of new plantings from the Littoral Rainforest EEC.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.