

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2021/0929
Date:	13/05/2022
Responsible Officer	Julie Edwards
Land to be developed (Address):	Lot 12 DP 16029 , 23 Grandview Drive 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 modification seeks to relocate an approved construction footprint for a dwelling (N0410/15). Council's Natural Environment Unit - Biodiversity referral team have reviewed the modification for consistency against the relevant environmental legislation and controls, including:

Biodiversity Conservation Act 2016 (BC Act) Biodiversity Conservation Regulation 2017 Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

Pittwater Development Control Plan (PDCP)

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

Updated Recommendation - 13/05/2022

Amended architectural plans are submitted (Shorehouse Projects 2022) which include retention of all trees formerly proposed for removal in the front of the property.

As the application now requires no native trees or vegetation to be removed as a result of proposed works which is supported by the architectural plans, the BOS is not triggered and the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.

Original Recommendation - 22/12/2021

The site is located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity

Values mapping:

<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

Any additional or previously unapproved removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS).

On review of the submitted Architectural Plans (Shorehouse Projects 2021) it is noted that the application seeks to remove native trees within the front of the property that were not approved under the original application (N0410/15) and that are located within DPIE's Biodiversity Values mapping.

The proposal must be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared by an Accredited Assessor:

<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>

Alternatively, the applicant is encouraged to adopt a more sensitive design that allows retention of all native trees within the front of the property

On receipt of the required BDAR or redesign, Council's Natural Environment Unit - Biodiversity can reassess the application.

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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

New Vegetation Planting

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the final determination for Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion:

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Scientific-Committee/Determinations/2013/pittwater-wagstaffe-spotted-gum-forest-nsw-scientific-committee-final-determination.pdf?la=en&hash=95E95CC5FFA86592227BE0A6B42614F597BCE468>

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

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 Certifying Authority 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.