

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1640
Proposed Development:	Construction of a secondary dwelling
Date:	21/12/2023
Responsible Officer	Dean Pattalis
Land to be developed (Address):	Lot 2 DP 222279 , 37 Bakers Road CHURCH POINT 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 seeks approval for the construction of a secondary dwelling.

The comments in this proposal relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP - Clause 7.6 Biodiversity Protection
- Pittwater DCP - Clause B4.18 Heathland/Woodland Vegetation

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

The proposal has been submitted with an Arboricultural Report that has assessed the condition of a total of 22 trees and recommended the removal of a single prescribed tree (tree 11 (*Syncarpia glomulifera*) which is found on land identified in the BV Map. Therefore, a BDAR has been prepared and submitted with the application. The BDAR has appropriately justified how the avoidance and minimisation of impacts has resulted in a reduced residual impact and a total of 1 ecosystem credit and 1 species credit will be required to be retired should the Development Application be approved.

It is noted that the BDAR did not contain finalised credit reports. In accordance with the BAM, the

BDAR is required to be signed by the accredited assessor and all finalised credit reports are to be included in the BDAR. Once the amendments to the BDAR have been completed, the accredited assessor will need to add Council to the case (as a case party) in the Biodiversity Offsets and Agreement Management System (BOAMS) for the Biodiversity Referral to continue. The review can only be completed once all files required with a BDAR have been submitted, Council has been added as a case party into BOAMS and the report has been signed by an accredited assessor and finalised.

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.