

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/1748
Proposed Development:	Alterations and additions to a retirement village complex including a lift
Date:	28/01/2025
Responsible Officer	Stephanie Gelder
Land to be developed (Address):	Lot 121 DP 789400 , 36 Cabbage Tree Road BAYVIEW NSW 2104

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

Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.6 Wildlife Corridors
- SEPP (Resilience and Hazards) 2021 - Littoral Rainforest Proximity Area

Portions of the site are identified on the NSW Governments Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, 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). Whilst the proposed works are located within the BV mapped area, only minor clearing of ground and shrub layers will be impacted within a highly modified and landscaped area adjoining a built structure. No native canopy trees are required for removal. As such, Council's Biodiversity Referrals team are not requesting a BDAR to accompany the application. A Flora and Fauna Assessment (Australian Wetlands Consulting, October 2024) was submitted with the application with the aim to provide advice as to the extent and severity of likely impacts associated with the proposal. The FFA concluded that impacts to the BV mapping are likely to be very minor. The FFA identified one Threatened Ecological Community within proximity to the proposed works, Littoral rainforest in the NSW North Coast, Sydney Basin and South East Corner bioregions. Impacts to the EEC are restricted to a loss of 16m² of PCT 3039 of ground and shrub layers from a highly disturbed

and modified area. To minimise biodiversity impacts of the proposal, a range of recommendations were provided by the Ecologist. A Test of Significance in accordance with the BC Act was prepared by the Ecologist for Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions which concluded that the proposal will not significantly impact the Littoral Rainforest TEC.

The Arboricultural Impact Assessment (Ezigrow, October 2024) submitted with the application assessed 15 trees within proximity to the proposed works and recommended the removal of Tree 22, an exotic *Brugmansia* sp. which is exempt by height. All other trees within proximity to the works will be retained and protected.

The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

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 licensed 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

Protection of Habitat Features

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

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) 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.