

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/1516
Date:	18/11/2022
Responsible Officer	Michael French
Land to be developed (Address):	Lot 1 DP 214956 , 30 Herbert Avenue 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 submitted Biodiversity Development Assessment Report (Kingfisher 2022) considered the measures implemented in order to avoid and minimise impacts of the development, as required in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method. The BDAR is provided as the direct impacts of the proposal will result in the clearing of native vegetation within the area mapped on the Biodiversity Values Map.

Kingfisher state that a 'Do nothing' option would not save the Grey Gum as, according the Arborist Report, it has a fungal infection that makes it unsafe to leave in situ. This is unclear and the Landscape Referral does not support the removal as the Arborist did not undertake a detailed assessment of the extent of decay and structural compromise that the tree is susceptible to. In addition, Kingfisher state that the proposed location of the development, which includes construction of retaining walls and a boardwalk. cannot be located elsewhere on the site. The loss of native vegetation and fauna habitat, including Tree 7 and Tree 4 appears to result from the retaining wall construction that is proposed in order to provide a level lawn area. Development located along the western boundary, where there is evidence of recent vegetation removal, may be an alternate location that will avoid and minimise impacts, while allowing the retention of Tree 7.

If the removal of Tree 7 is justified, then the findings of the BDAR are acknowledged, including the current condition of the native vegetation community on site, the direct impact on Pittwater Spotted Gum Forest (PSGF) (PCT1214) that will result, the range of proposed mitigation measures, and the calculated ecosystem and species credit species credits that will be retired to offset the impacts of the development. In relation to payment into the Fund to offset any credit obligation, the recent changes to the method used to calculate the cost of biodiversity credits should be noted, and the likely increase in offset costs discussed between the applicant and the accredited assessor.

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.