

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/0566
<b>Date:</b>	24/08/2022
<b>Responsible Officer</b>	Claire Ryan
<b>Land to be developed (Address):</b>	<p>Lot 4 DP 12994 , 20 Karloo Parade NEWPORT NSW 2106</p> <p>Lot 1 DP 1167665 , 232 Barrenjoey Road NEWPORT NSW 2106</p> <p>Lot 2 DP 1167665 , 232 A Barrenjoey Road NEWPORT NSW 2106</p> <p>Lot 10 DP 1188089 , 230 Barrenjoey Road NEWPORT NSW 2106</p>

### 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

#### Updated Biodiversity Referral (24 August 2022)

This updated referral is based on additional information provided to Council confirming that the application has been amended to include the subdivision boundary amendments and no physical works. Additional impacts associated with construction of dwellings and ancillary infrastructure will be further assessed at the future development application stage.

#### Updated Biodiversity Referral (21 July 2022)

These updated biodiversity referral comments are in response to concerns raised regarding the potential developability of the new proposed lots, and a Council request for additional information regarding the proposed future development footprints of the new subdivision layout. In light of the need to consider any new nominated building footprints at the subdivision assessment stage, impacts to native vegetation and wildlife habitat that are associated with any new building footprints must be addressed in an updated Flora and Fauna Report and Biodiversity Management Plan.

The updated reports are to be prepared by a suitably qualified ecologist. The Flora and Fauna Report must identify potential impacts associated with the subdivision works and nominated building footprints, and is to be prepared in accordance with the requirements set out in the draft Flora and Fauna Report Guidelines for Applicants (available from Council on request).

The Biodiversity Management Plan must outline pre-construction, during-construction, and ongoing

management actions to be applied to protect existing native vegetation not approved for removal, and actions to revegetate/rehabilitate remaining habitat on site. This should include procedures for delineation of 'no-go' zones during construction, and habitat restoration and control of Priority weeds (as listed under the NSW Biosecurity Act 2015) and environmental weeds following construction. The Biodiversity Management Plan is to be prepared in accordance with the minimum technical requirements set out in the draft Biodiversity Management Plan Guidelines for Applicants (available from Council upon request).

### **Original Biodiversity Referral (26 June 2022)**

The subdivision application has been assessed against the following applicable biodiversity-related provisions:

- SEEP (Coastal Management) - Littoral Rainforest Proximity Area
- Pittwater DCP B4.4 - Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- Pittwater DCP B4.17 - Littoral Rainforest Endangered Ecological Community

An original subdivision consent was granted by the NSW Land and Environment Court under N0051/09 and there have subsequently been a number of additional development/modification applications, some of which were withdrawn and/or refused.

The new subdivision proposal includes incorporation of two additional allotments, amendment of approved boundaries, deletion of an approved building footprint on previous Lot A, and construction of a driveway access to previous Lot B.

A previous consent under MOD2017/0317 provided approval for removal of nine (9) protected native trees of low (2 trees), moderate (4 trees) and high (3 trees) landscape significance. The current application seeks consent for removal of a total of eleven (11) trees of low (3 trees) and moderate (7 trees) landscape significance, and one exempt tree.

The submitted arboricultural comparison report (Footprint Green, 9 March 2022) provides the following summary of tree removals proposed under the existing consent and proposed modification, respectively:

#### 4.1 Qualitative Assessment of trees likely to be removed MOD 2017/0317

The following matrix table is a summary of the trees that are likely to be removed in subsequent development Lot A in MOD 2017/0317 and these trees can be retained as part of the proposed 2022 subdivision application

Details of the 9 Trees Likely to be Removed (number of trees) as part of MOD2017/03							
Condition	Environmental / Landscape Significance						
	Declared Biosecurity Weed	Env. Pest (Exempt from DCP)	Low L/scape Sig.	Moderate L/scape Sig.	High L/scape Sig.	Very High L/scape Sig.	Threatened Species
SULE - 1				1	2		
SULE - 2			2	2	1		
SULE - 3				1			
SULE - 4							
Unstable							

#### 4.2 Qualitative Assessment of trees likely to be removed in this subdivision application

The following matrix table is a summary of the trees that are required to be removed as part of the proposed 2022 subdivision application.

Details of the 11 Trees to be Removed (number of trees) as part of this 2022 Subdivision Application							
Condition	Environmental / Landscape Significance						
	Declared Biosecurity Weed	Env. Pest (Exempt from DCP)	Low L/scape Sig.	Moderate L/scape Sig.	High L/scape Sig.	Very High L/scape Sig.	Threatened Species
SULE - 1							
SULE - 2		1		1			
SULE - 3			1	1			
SULE - 4			2	3			
Unstable				2			

Given that the modified design avoids removal of high significance trees previously approved for removal, the Biodiversity referrals section raises no objections to the new subdivision layout, subject to recommended conditions. A new Vegetation Management Plan is required in order to protect existing vegetation not approved for removal.

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:

Nil.