

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2020/1489
<b>Date:</b>	22/12/2020
<b>Responsible Officer</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 1 DP 5055 , 8 Forest Road WARRIEWOOD NSW 2102

### 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 Referral team have undertaken a preliminary review of the application for consistency against the relevant environmental legislation and controls.

In accordance with the Biodiversity Conservation Regulation 2017:

**7.1 (3)** *If proposed development is or involves the subdivision of land, the subdivision is taken to involve the clearing of native vegetation that, in the opinion of the relevant consent authority or other planning approval body, is required or likely to be required for the purposes for which the land is to be subdivided. Once that clearing has been taken into account, the clearing for the purposes of the subsequent development of the land for which it was subdivided is not to be taken into account when determining whether the subsequent development exceeds the threshold.*

The following non-compliance was noted in the documentation provided:

No indicative building envelop or ancillary structures for the proposed southern lot (ref: DA-020 'RU2 Zone Subject to a Separate Subdivision Development Application') have been provided and as such, there is currently insufficient information to assess this proposed application against relevant biodiversity controls.

The following additional information is required to be submitted by the applicant:

- Updated subdivision plans including detailed dwelling and driveway footprints within the proposed southern lot (ref: DA-020 'RU2 Zone Subject to a Separate Subdivision Development Application')
- All supporting plans and documentation must also be updated to include the indicative building envelop within the proposed southern lot

Furthermore, the Ecological Assessment Report (Anderson 2020) must reassess the clearing entry thresholds, taking into account any additional building footprint and any additional Asset Protection Zones (APZ) proposed within the southern lot, in order to determine whether the Biodiversity Offsets Scheme (BOS) may be triggered. In the event that proposed clearing exceeds the BOS clearing thresholds the applicant will be required to submit a Biodiversity Development Assessment Report (BDAR) prepared by an Accredited Assessor in accordance with the Biodiversity Assessment Method (BAM).

It is also noted that ecological surveys of the southern lot were largely undertaken in 2015. Justification should be provided within the updated ecological report as to the consistency against current survey guidelines.

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.