

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0571
Proposed Development:	Demolition works and construction of a dwelling house
Date:	24/07/2024
Responsible Officer	Stephanie Gelder
Land to be developed (Address):	Lot 144 DP 225585 , 15 De Lauret 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

Updated Biodiversity Referral (24 July 2024):

The amended plans and documents are noted. The proposed carport has been relocated to enable retention of Tree 5; therefore, entry into the Biodiversity Offsets Scheme is not triggered. There are no objections to removal of the remaining trees, subject to replacement planting as conditioned by the Landscape referrals team.

Biodiversity Referral (24 June 2024):

The following provisions apply to the subject site:

- NSW Biodiversity Conservation Act 2016
- SEPP (Resilience and Hazards) - Littoral Rainforest and Littoral Rainforest Proximity Area
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP Clause B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community (EEC)
- Pittwater DCP Clause B4.17 Littoral Rainforest Endangered Ecological Community (EEC)

The site contains both Pittwater Spotted Gum Forest and Littoral Rainforest EECs and consequently, portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

Desktop assessment indicates that Tree 5 (*Eucalyptus paniculata*) is located within the BV Map and as such, the applicant is required to engage an accredited assessor to confirm whether or not a BDAR is required due to removal of native vegetation within the BV Map. If the accredited assessor determines that a BDAR is not required, a brief report is to be submitted outlining why the proposal does not trigger entry into the BOS. Potential impacts on the Littoral Rainforest at the rear of the property, and assessment of the proposal against SEPP (Resilience and Hazards) is to be included in the report.

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 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.

Protection of Habitat Features

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

Reason: To protect wildlife habitat.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

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.