

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1549
Proposed Development:	Construction of a dwelling house including cabana
Date:	26/02/2024
Responsible Officer	Anaiis Sarkissian
Land to be developed (Address):	Lot 2568 DP 752038 , 24 Wyatt Avenue BELROSE NSW 2085

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

Additional Comments (26/2/24)

It is noted that amended plans (McDonald Jones, 13/02/2024) have been submitted which now allow retention of the two native trees located within the BV Map. As such the BOS is not triggered and a BDAR is not required to be submitted with the application. No impacts to the Biodiversity Values Mapped area within the site.

It is noted that Council's Landscape Referrals team have identified that an amended Arboricultural Impact Assessment has not been submitted, and that a Project Arborist will be required to be on site to supervise works.

No objections in relation to biodiversity, subject to conditions.

Original Comments (8/11/23)

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

- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Warringah DCP cl. E2 Prescribed Vegetation
- Warringah DCP cl. E6 Retaining Unique Environmental Features

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016 (BC Act), any 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) to be prepared by an Accredited Assessor.

The Arboricultural Impact Assessment (Michael Shaw, October 2023) assessed 9 trees within proximity to the proposed development and concluded that Trees 1 and 3 (*Eucalyptus punctata*), Tree 2 (*Archontophoenix alexandrae*) and Tree 5 (group of 9 x *Camellia* sp.) will require removal.

From desktop assessment of aerial imagery (NearMaps [21 October 2023]), it appears that the canopy of Trees 1 and 3 which are both locally native, are located within the BV Map. As such, the applicant is required to engage an Ecologist who is Accredited in application of the Biodiversity Assessment Method to prepare a BDAR. Alternatively, should the applicant wish to seek further information about the BV Map or request a review of the mapping within their property, they can do so following the below link:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply/biodiversity-values-map/biodiversity-values-map-review>

Alternatively, amendments to the design in order to avoid native tree removal within the BV Map could be considered.

Upon receipt of additional information, Council's Biodiversity referrals team will recommence assessment of the application.

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 Principal 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.

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****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.