

Natural Environment Referral Response - Biodiversity

Application Number:	DA2025/0430
Proposed Development:	Change of use to a secondary dwelling and associated construction works
Date:	03/06/2025
Responsible Officer	Anaiis Sarkissian
Land to be developed (Address):	Lot 6 DP 31237 , 3 Clive Crescent BAYVIEW NSW 2104

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 Referrals team have assessed the Development Application for compliance against the following applicable provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP 2014 cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Portions of the site are identified on the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within BV mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

Whilst the proposed building works do not require the removal of any native vegetation, the Onsite Effluent Management Report (Blue Mountains Geological and Environmental Services, April 2025) states that "*the proposed Land Application Area (LAA) is predominantly devoid of vegetation and typically comprises a thin mulch layer with some bare ground, shrubs, ferns and small trees which appear to be wholly or predominantly native species*". As the proposed LAA is located within the BV mapped area which contains native vegetation, the applicant is required to engage an accredited assessor trained in the application of the BAM to determine impacts to native vegetation located within and surrounding the proposed LAA. The accredited assessor will be required to determine if a BDAR

is required. If a BDAR is not required, the accredited assessor must provide a letter with justification as to how the proposal does not trigger the BOS,

Alternatively, the applicant may consider an alternative location for the proposed LAA which is located outside the BV mapped area.

Council's Biodiversity Referrals team will recommence assessment of the application upon receipt of one of the following:

- a letter from an accredited assessor justifying how the proposal does not trigger entry into the BOS; or
- a BDAR prepared by an accredited assessor, if the application does trigger entry into the BOS; or
- amended plans with an alternative location for the proposed LAA in which does not require impact to native vegetation within the BV mapped area.

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.