Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/1007

Responsible Officer	Nick England
Land to be developed (Address):	Lot 1 DP 1205310 , 67 Marine Parade AVALON BEACH NSW 2107

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

There is insufficient information to assess the proposal's compliance with relevant biodiversity controls.

The following provisions apply to the subject site:
- SEPP (Coastal Management) - Coastal Environment Area
- Pittwater DCP Clause B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

Objectives/outcomes of these provisions include:
- Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats;
- Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species;
- Development consent cannot be granted unless the consent authority is satisfied that the proposal is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.

Vegetation mapping for the site (OEH, 2018) and a site inspection undertaken by Council's Natural Environment Officer on 13 November 2019 indicate that vegetation within the proposed development footprint is consistent with the Coastal Headland Clay Heath plant community type. The proposed development will impact upon this vegetation, however the total extent of clearing and disturbance has not been quantified in the submitted plans and documentation. It is also unclear as to how vegetation proposed to be retained in undercroft areas of the parent's retreat will be impacted by overshadowing effects and building maintenance activities over the life of the development.

In accordance with the 'Technical Report' requirements of PDCP Clause B4.3, any development which disturbs between 40m2 and 500m2 of vegetation and/or more than five native trees requires a Biodiversity Impact Report. This report has not been provided with the DA. It is considered that the highly constrained nature of the site, the proposed scale of the development, and the extent of potential

impacts to coastal heathland vegetation necessitates this more comprehensive level of ecological assessment.

It is recognised that the applicant has sought to include measures to protect native vegetation and natural features through the use of pier footings and retention of existing rock outcrops. These measures are considered an appropriate response to site constraints however in order to adequately assess compliance with the relevant controls, comprehensive expert assessment and consideration of further impact mitigation measures is required.

Required Additional Information:
- A Biodiversity Impact Report, prepared by a suitably qualified ecologist, quantifying proposed and potential impacts to native vegetation, wildlife and habitat. The report should also address how the proposal can achieve compliance with the above controls, including identification of appropriate impact mitigation/compensatory measures (e.g. reduction in scale of the parent's retreat; revegetation; improvement of vegetation within the former quarry site). In accordance with Section 7.3 of the NSW *Biodiversity Conservation Act 2016*, the report should also include 'Tests of Significance' for any applicable threatened entities which may be impacted.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.