

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/1794
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool and consolidation of two lots into one
Date:	11/02/2025
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 833902 , 141 Riverview Road AVALON BEACH NSW 2107 Lot 1 DP 833902 , 139 Riverview Road AVALON BEACH NSW 2107 Lot LIC 588601 , 139 Riverview Road 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

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

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- SEPP (Resilience and Hazards) 2021 - Development on land within the Coastal Environment Area
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEE) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, 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).

A Streamlined BDAR prepared by Narla Environmental (December 2024) has been submitted with the application. The BDAR confirms the presence of PCT 3234 which conforms to Pittwater and Wagstaffe

Spotted Gum Forest which is listed as an Endangered Ecological Community (PWSGF EEC) under the NSW Biodiversity Conservation (BC) Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of a total of 0.16ha of PWSGF EEC, including the removal of 44 trees which include a total of 26 Prescribed trees as identified by the Arboricultural Report.

The assessed residual impacts of the development result in the following offset requirements under the Biodiversity Offsets Scheme:

- Retirement of 3 Ecosystem Credits for Pittwater Spotted Gum Forest EEC (PCT 3234)
- Retirement of 4 Species Credits for *Chalinolobus dwyeri* (Large-eared Pied Bat)
- Retirement of 4 Species Credits for *Vespadelus troughtoni* (Eastern Cave Bat)

The arborist report (Martin Peacock Tree Care, November 2024) has assessed the condition of 66 trees including 43 trees within the property boundary and 23 trees outside of the property boundary. These figures need to include an additional 9 trees given that a number of trees have been grouped including G8, G28, G29, G31 and G37 bringing the total of trees identified within the property boundary to a total of 60 trees. The proposed removal of trees from within the property boundary would equate to a total of 87% of trees removed including a total of 24 prescribed trees. In addition a total of 9 trees found outside of the property boundary are proposed for removal.

The proposed landscaping schedule is noted and includes a number of trees that allows for no net loss of canopy trees. However a number of objections arise in relation to the species selection which is inconsistent with the desired outcomes of B4.7 noting that Pittwater Spotted Gum Forest is an Endangered Ecological Community and restoration should be the driver behind the landscape proposal.

The proposal cannot be supported by the Biodiversity referral team due to the following:

- The application which would impact two separate lots would require the removal of the majority of the trees on site with impacts extending beyond the property boundary of two lots.
- The submitted planting schedule is inconsistent with the objectives of PDCP B4.7 where "Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community)."
- While it is acknowledged that the site presents constraints to building given its slope and a BDAR has been submitted with the application, the application is fundamentally flawed in the consideration of the principle of avoidance and minimisation of impacts to the natural environment established in the NSW Biodiversity Conservation Act 2015.

Therefore, it is considered that the proposal presents opportunities to reduce the scale of the development and/or the impact of ancillary structures and the proposed offsets cannot be considered residual for the purposes of the evaluation of the proposal. The proposal has not adequately addressed the provisions set out in PLEP 7.6, PDCP B4.7 and SEPP (Resilience and Hazards) 2021 Chapter 2.10.

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.