

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	Mod2022/0544
<b>Date:</b>	28/11/2022
<b>Responsible Officer</b>	Adam Susko
<b>Land to be developed (Address):</b>	Lot 17 DP 8595 , 121 Pacific Road PALM BEACH NSW 2108

### 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

The proposal cannot be supported due to insufficient information. Tree 4 (*Eucalyptus paniculata*) is a native tree located within the NSW Government's Biodiversity Values Map (BV Map). Any impact to native vegetation within the BV Map area - including those proposed under a modification - will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). It is noted that the area of the approved western APZ is largely devoid of vegetation and therefore can meet the APZ standards outlined in Planning for Bush Fire Protection 2019 without removal of Tree 4.

In order to complete assessment of the modification against applicable biodiversity legislation and planning provisions, a BDAR is to be submitted. The BDAR must be prepared by an ecologist who is an accredited assessor under the NSW Biodiversity Assessment Method (BAM). The BDAR should address why removal of Tree 4 is unavoidable, and outline the proposed measures to avoid and minimise impacts to native vegetation (in accordance with requirements under Chapter 7 of the Biodiversity Assessment Method).

Upon receipt of a compliant BDAR, the biodiversity referral will recommence.

There are no objections to reinstatement/retention of the cabana.

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.