

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1780
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Date:	16/01/2024
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 122 DP 8394 , 89 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

The comments in this referral relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- SEPP (Resilience & Hazards) 2021 - Coastal Environment Area
- Pittwater 21 DCP - Clause B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The proposal has been submitted with an Arboricultural Impact Assessment that has assessed the condition of 12 trees as well as a Landscape plan that includes a range of native and exotic species. The application requires all 12 canopy trees to be removed as a result of the proposed development.

Objections are raised as follows:

- The NSW Biodiversity Conservation Act 2016 requires that development applications follow the hierarchy of avoid and minimise in relation to impacts on biodiversity. The application does not appear to have addressed the hierarchy.
- Although canopy replacements are proposed in the landscape plan, the development application does not comply with P21DCP B4.5 as all native vegetation within the site will be removed if the application is approved in its current form.
- The proposed landscape plan has included a range of native species, however also considers a range of exotic species including a species which has been identified as a weed in the Northern Beaches Local Weed Management Plan (*Raphiolepis indica*). The Landscape Plan

should follow the Native Planting Guide available on Council's website to ensure an appropriate selection of species is included with the application.

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.