

Natural Environment Referral Response - Biodiversity

Application Number:	DA2025/0448
Proposed Development:	Construction of a dwelling house
Date:	19/06/2025
Responsible Officer	Anaiis Sarkissian
Land to be developed (Address):	Lot 2 DP 260241 , 100 Hilltop 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

AMENDED COMMENTS

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

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Planning for Bushfire Protection 2019
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP Clause B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community

It should be noted that the site has not been developed and is burdened with a number of constraints including a very steep slope from the frontage to the back of the site. It is also bushfire prone and located within a designated 10/50 vegetation entitlement clearing area. Thus any new dwelling, regardless of footprint size, will require some level of vegetation clearing to comply with Planning for Bushfire Protection 2019.

Portions of the site are identified on the 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 mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

A BDAR prepared by Ecological Consultants Australia PTY LTD TA Kingfisher Urban Ecology and Wetlands (April 2025) has been submitted with the application confirming the presence of Pittwater and Wagstaffe Spotted Gum Forest (PWSGF), which is listed as an Endangered Ecological

Community (EEC) under the NSW Biodiversity Conservation Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of a total of 0.1ha of PWSGF EEC, including the removal of 23 trees of which 14 are prescribed trees as identified in the submitted Arboricultural Impact Assessment (Arborlogix, July 2024). These proposed impacts have also included the proposed tree removals resulting from the establishment of a compliant Asset Protection Zone which would be restricted to impacts on the site and would not need to extend beyond the property boundary.

The submitted BDAR has addressed Avoidance and Minimisation (A&M) of impacts which and indicates that the dwelling has been located to minimise impacts to existing vegetation as much as possible. Any residual impacts will be offset via biodiversity credits which must be secured prior to issuing of a Construction Certificate. In addition the development will retain and improve the condition of native vegetation that is contiguous to the corridor formed by remnant vegetation in the surrounding lots as a measure of A&M.

SAIL entities have been addressed in sections 9.2 and 9.3 as required under the BAM 2020 noting that in all instances the impacts from the proposed development do not constitute a significant and irreversible impact. A total of 0.1 Ha of PWSFG will be removed noting that the majority of impacts are not found in the BV Map with most accurate estimates considering that only 275ha of PWSGF EEC remain. Furthermore, no breeding habitat for *Chalinolobus dwyeri* (Large-eared Pied Bat) and *Vespadelus troungtoni* (Eastern Cave Bat) is being impacted as it is not found on site.

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

- Retirement of two Ecosystem Credits for Pittwater and Wagstaffe Sotted Gum Forest EEC (PCT 3234)
- Retirement of three Species Credits for *Chalinolobus dwyeri*
- Retirement of three Species Credits for *Vespadelus troungtoni*

The retirement of offsets will be conditioned as part of the consent and the impact mitigation measures of the BDAR will inform the conditioning of the application.

The submitted arborist report (Arborlogix, July 2024) has assessed the condition of a total of 30 trees and recommended the removal of a total of 22 trees including 14 prescribed trees. The remaining 8 trees can be removed without consent as they are considered exempt species. However, the removal of trees 1 and 2 which are found outside of the property boundary and on Council's road reserve will require the approval of the appropriate referral body. Furthermore, tree removal has taken into consideration the requirements to achieve compliance with the Asset Protection Zone requirements set out in the submitted Bushfire Report (Bushfire Planning and Design, June 2024).

A Landscaping proposal has been submitted with the application and includes adequate species for Pittwater Spotted Gum Forest EEC.

The site has also been identified as bushfire prone land and therefore a Bushfire Report has been prepared and submitted with the application. The report has recommended that the entirety of the site be treated as an Asset Protection Zone with a 10 metre Inner Protection Area. These recommendations have been taken into consideration in the Arborist report and the BDAR.

The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

ORIGINAL COMMENTS

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

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Planning for Bushfire Protection 2019
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP Clause 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 (DCCEEW) 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 BDAR prepared by Ecological Consultants Australia PTY LTD TA Kingfisher Urban Ecology and Wetlands (April 2025) has been submitted with the application confirming the presence of Pittwater and Wagstaffe Spotted Gum Forest (PWSGF), which is listed as an Endangered Ecological Community (EEC) under the NSW Biodiversity Conservation Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of a total of 0.1ha of PWSGF EEC, including the removal of 23 trees of which 14 are prescribed trees as identified in the submitted Arboricultural Impact Assessment (Arborlogix, July 2024). These proposed impacts have also included the proposed tree removals resulting from the establishment of a compliant Asset Protection Zone which would be restricted to impacts on the site and would not need to extend beyond the property boundary.

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The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Ecosystem Credit Retirement - Like for Like

Before the issue of a construction certificate:

- The class and number of ecosystem credits in the table/s below must be retired to offset the residual biodiversity impacts of the development;
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority.

Table 1. Like for like ecosystem credits to be retired - threatened ecological community

Yes

Impacted threatened ecological community	Number of ecosystem credits	Hollow bearing trees (HBTs)	IBRA subregions from which credits can be used to offset the impacts from development	Threatened ecological community that can be used to offset the impacts from development
Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion	2	Yes	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. Or From an IBRA subregion within 100km of the outer edge of the impacted site	Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion This includes PCT's: 3234, 3437

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

Species Credit Retirement - Like for Like

Before the issue of a construction certificate:

- The class and number of species credits identified in the table below must be retired to offset the residual biodiversity impacts of the development; and

- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority.

Table of species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA subregions from which credits can be used to offset the impacts from development	Species that can be used to offset the impacts from the development
Chalinolobus dwyeri / Large-eared Pied Bat	3	Anywhere in NSW	Chalinolobus dwyeri / Large-eared Pied Bat
Vespadelus troungtoni / Eastern Cave Bat	3	Anywhere in NSW	Vespadelus troungtoni / Eastern Cave Bat

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

Compliance with Ecologist's Recommendations – Pre-construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

Installation of Nest Boxes

A minimum of 2 nest boxes are to be installed in retained trees / throughout the trees within areas of retained native vegetation / on the site.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Ecologist's Recommendations – During Construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Pre-clearance Survey - Certified by Project Ecologist

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

Clearing for Asset Protection Zones – Project Ecologist to Certify

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and permanently marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Principal Certifier.

Reason: To protect native vegetation and wildlife.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE****Compliance with Ecologist's Recommendations – Post Construction**

All impact mitigation measures specified in the approved Biodiversity Development Assessment

Report are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Native Landscaping

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

Clearing for Asset Protection Zones – Project Ecologist to Certify

Clearing of vegetation for APZ establishment must only occur within the surveyed and permanently marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Compliance with Ecologist's Recommendations – Ongoing

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.