

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2018/1997
<b>Responsible Officer</b>	Nick England
<b>Land to be developed (Address):</b>	<p>Lot 9 DP 629464 , 104 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 8 DP 629464 , 102 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 15 DP 858130 , 100 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 14 DP 858130 , 96 Cabarita Road AVALON BEACH NSW 2107</p>

### 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 site is mapped as 'Biodiversity' under clause 7.6 of Pittwater LEP 2014 and as 'Coastal Environment Area' under clause 13 of the State Environmental Planning Policy (Coastal Management) 2018. The application has also been assessed against clauses B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor and B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community of P21 DCP.

The site contains vegetation characteristic of the Pittwater Spotted Gum Forest Endangered Ecological Community (PSGF EEC), Swamp Oak Floodplain Forest EEC, and habitat for several threatened species.

The residential dwelling is located on a lot within a proposed 10 lot community title subdivision (yet to be approved). Biodiversity comments in relation to the proposed subdivision acknowledged that the principle of including avoid and minimise measures across the site is supported in general, however the subdivision development does not include any permanent protection measures such as inclusion of the EEC vegetation within the community association property. The review identified that the full extent of construction and operational impacts likely is understated, and therefore the conclusions of the BDAR and the extent of residual impacts offset is not supported, and a suitable mechanism to permanently protect the EEC and threatened species habitat is required.

Based on the uncertainties outlined above and the applicable controls it is concluded that

- the development has not been designed, sited and will not be managed to avoid any significant adverse environmental impact,
- the development may have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community.
- the development may negatively impact on threatened species, endangered populations or endangered ecological communities.
- the development does not retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.

### **Referral Body Recommendation**

Recommended for refusal

### **Recommended Natural Environment Conditions:**

Nil.