

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/0494
Date:	07/06/2022
Responsible Officer	Thomas Prosser
Land to be developed (Address):	Lot 6 DP 209493 , 35 Therry Street 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 proposal has been assessed against the following applicable biodiversity-related provisions:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- SEPP (Resilience and Hazards) - Littoral Rainforest Proximity Area
- Pittwater LEP Clause 7.6 - Biodiversity Protection
- Pittwater DCP Clause B4.7 - Pittwater Spotted Gum Forest Endangered Ecological Community
- Northern Beaches Bushfire Prone Land Management

This biodiversity assessment relies upon the submitted plans and documentation, in particular:

- Bushfire Hazard Assessment (Bushfire Planning & Design, 7 October 2021)
- Arboricultural Impact Assessment Report (Our Garden Path, 8 March 2022). Note: the Arboricultural Impact Assessment prepared in 2017 (RainTree Consulting, 6 November 2017) has not been considered in this assessment.

Vegetation within the southern, northern and eastern portions of the site are identified on the NSW Government's Biodiversity Values Map ('BV Map'). Impact to any native vegetation (i.e. native to NSW) within the BV mapped area triggers entry into the NSW Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). However, the assessed arborist report (Our Garden Path, 8 March 2022) confirms that no NSW-native trees are proposed for removal, with the only trees proposed to be removed being Alexandria Palms (*Archontophoenix alexandrae*) which are native to Queensland.

Furthermore, the submitted bushfire report confirms that no additional vegetation removal is required in order to achieve compliance with the requirements of Planning for Bushfire 2019:

"No specific Asset Protection Zone (APZ) required. The subject site is surrounded by managed residential land. The inherent management of the subject site and surrounding allotments is sufficient to achieve the nominated BAL-ratings and defensible space. The site is to be managed as an inner APZ for perpetuity. No vegetation is required to be removed for the purpose of managing an APZ" (Bushfire Planning & Design, 7 October 2021).

It is therefore concluded that the proposal does not trigger entry into the BOS and a BDAR is not required. Furthermore, subject to implementation of appropriate erosion and sediment controls, the proposal is unlikely to impact upon the proximal Littoral Rainforest Endangered Ecological Community.

A colony of threatened grey-headed flying-foxes occurs approximately 60m from the site of proposed works. However, construction of the secondary dwelling is not considered to result in excessive noise or vibration at the colony such that flying-foxes would be disturbed by the works, subject to adherence to approved construction hours.

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Wildlife Protection

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

Reason: To protect native wildlife.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Protection of Habitat Features

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

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

Reason: To protect wildlife habitat.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

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