

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/1636
Proposed Development:	Construction of an incline passenger lift
Date:	18/01/2023
Responsible Officer	Stephanie Gelder
Land to be developed (Address):	Lot 13 DP 213661 , 15 Brindisi Place 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

BIODIVERSITY COMMENTS 22/11/2022

The proposal has been assessed against the following provisions:

- NSW Biodiversity Conservation Act 2016
- Pittwater LEP 2014 - cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP - cl. 4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

The arboricultural report has stated that the proposed development will require the removal of three native trees, Trees 3 (*Glochidion ferdinandi*), 4 (*Casuarina cunninghamiana*) and 5 (*Glochidion ferdinandi*) and could potentially impact an additional seven trees of which five are considered important and two unimportant.

Due to the afore mentioned, this proposal can not be accepted without a BDAR report from a BAM Accredited assessor, or with amendments that will not negatively impact trees in the area mapped within the BV map.

Alternatively, a review of the BV Map can be requested to the relevant authority.

AMENDED COMMENTS 18/01/2023

A Biodiversity Development Assessment Report (BDAR) has been submitted with the application (2023/035754 - 17/01/2023). The submitted BDAR has determined that the site has a vegetation integrity score of 40.5 after having identified the site as belonging to PCT 1124 - Pittwater Wagstaffe Spotted Gum Forest but after ground-truthing, adjusting it to PCT 3592 Sydney Coastal Enriched Sandstone Forest. The BDAR has established that the area impacted by the proposed development covers a total of 0.0031 Ha. Due to the scale of the development and the small area impacted, the BAM-C has determined that no Ecosystem Credits are required and was unable to generate a Species credit report as the area of impact is deemed too small to register on the BAM-C. Therefore, no offset is required and the requirements of the BAM are satisfied.

Subject to replacement of the trees proposed for removal, replacement as conditioned by the Landscape Referral, the removal of the three trees is considered acceptable given a lack of alternate design options, and the number of trees to be retained elsewhere within the site.

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

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 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 identified in Section 3.3.1 of the submitted BDAR and as specified in the Northern Beaches Local Weed Management Plan (2021 – 2026) within the development footprint are to be removed.

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

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.

Replacement of Canopy Trees

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.