Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0508

Date:	06/12/2021
Responsible Officer	Nick England
Land to be developed (Address):	Lot 2 DP 1104192 , 60 Chisholm Avenue 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

Updated Biodiversity Referral Comments (6th December 2021)
Submission of a Biodiversity Development Assessment Report (BDAR) (Kingfisher Urban Ecology and Wetlands, October 2021) is noted.

Broadly, no objection is raised to the impact assessment, or recommendations presented in the submitted BDAR, however concern is raised over the method in which the Vegetation Integrity (VI) score was calculated for the Plant Community Type within the site.

Survey Design
Section 3.1.1 of the BDAR (Kingfisher 2021) states:
"Plot is per the BAM Method with 20x20 plots (400m2) for assessing structure and composition with a centre line extending 50m to create a 20 x 50 plot (1000m2) to assess function. See Biodiversity Assessment Method Operational Manual – Stage 1 (OEH 2018) page 26-28 for methods used".

Mapping files submitted to Council, indicate that the BAM Plot was limited to a size of only 800m2, with dimensions of approximately 40m x 18m. In this instance, achieving a standard plot to the requirements of the BAM (20m x 50m) was achievable due to the large size of the lot(s).

Council's Biodiversity Officers undertook a review of the plot and found it to inadequately reflect the current species diversity and coverage of the existing vegetation. Species identification was limited to only 13 species by the Accredited Assessor and did not include several important canopy species including *Eucalyptus piperita, Corymbia gummifera, Ceratopetalum gummiferum, Banksia serrata* and a suite of native shrubs and groundcovers. >35 flora species were identified within the 400m2 plot by Council's Biodiversity Officers.

No hollow-bearing trees were recorded in the BAM Plot assessment in BOAMS, however it is noted that

there is one stag with a large hollow within the BAM Plot area. This requires confirmation from the Accredited Assessor. Should the tree be located within the bounds of the plot, the data in BOAMS is to be updated to reflect this.

Due to these limitations, a VI Score of 24.6 was determined by the Accredited Assessor based on a single BAM Plot, generating one (1) ecosystem credit for Pittwater Spotted Gum Forest (PSGF). Council's BAM Plot review and subsequent assessment in BOAMS revealed a VI Score of 53. This score is considered to adequately represent the native vegetation condition within the site. Regardless of the change in VI Score, the credit obligation for PSGF did not change, therefore Council do not require the Accredited Assessor to amend plot values or undertake additional fieldwork.

Species Credits and Polygons
It is noted that *Diuris bracteata* and *Genoplesium baueri* which were identified as suitable candidate species credit species by the Accredited Assessor, were surveyed for outside of the recommended survey period as prescribed by the Threatened Biodiversity Data Collection (TBDC). As noted in the Executive Summary of the BDAR, field surveys were undertaken in June 2021. The required survey period for *Diuris bracteata* and *Genoplesium baueri* is August-September and February-March, respectively. As the Accredited Assessor has included these species as suitable candidate species credit species in the BOAMS, field survey is to be either undertaken during the recommended survey periods or offset credits are to be purchased and retired.

The Landscape Plan (Volker Klemm Landscape Design, April 2021) is supported with the following amendment. The six (6) *Corymbia* hybrids (*Corymbia* summer beauty and *Corymbia* summer red) currently selected for planting within the site are to be replaced with two (2) *Corymbia maculata*, two (2) *Eucalyptus umbra* and two (2) *Eucalyptus paniculata*, to reflect locally indigenous native vegetation within the site and surrounding landscape.

Upon receiving the amended Landscape Plan, BDAR and BAM-C data as requested within these comments, Council's Biodiversity Referrals team will reassess the application.

Original Biodiversity Referral Comments (19th May 2021)
Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls:

- Biodiversity Conservation Act 2016
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- Coastal Management SEPP cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest

Advice on biodiversity reporting requirements and applicable controls was provided to the Applicant at a pre-lodgement meeting held 19th November 2020. Subsequent to this meeting, the NSW State government announced amendments to the NSW Biodiversity Values Map (BV Map) which were to apply to areas identified as Pittwater Spotted Gum Forest endangered ecological community. This includes the subject site at 60-62 Chisholm Avenue, Avalon.

The BV Map amendments came into effect after 26th February 2021 and, as a consequence, the proposed development now triggers entry into the NSW Biodiversity Offsets Scheme. As such, the development application must be accompanied by a Biodiversity Development Assessment Report (BDAR), prepared by an Accredited Assessor under the Biodiversity Assessment Method.

Council's biodiversity referrals body will recommence assessment of the development upon receipt of a BDAR.

Further information on the Biodiversity Offsets Scheme can be found on the NSW Department of Planning, Industry and Environment website: https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme

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.