

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2024/0725
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house, including inclinator and associated site works
<b>Date:</b>	26/06/2024
<b>Responsible Officer</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot 3 DP 236812 , 179 Riverview Road AVALON BEACH NSW 2107 Lot LIC 363233 , 179 Riverview 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

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

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Regulation 2017
- SEPP (Resilience and Hazards 2021) - Coastal Environment Area
- Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection
- Pittwater DCP 21 - 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 GIS Environmental Consultants (May 2024) has been submitted with the application. The BDAR confirms the presence of Pittwater and Wagstaffe Spotted Gum Forest, which is listed as an Endangered Ecological Community (EEC) under the NSW Biodiversity Conservation (BC) Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of a total of 0.053ha of PWSGF EEC, including the removal of 10 trees of which 7 are native trees as identified by the Arboricultural Report.

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

- Retirement of one Ecosystem Credit for Pittwater and Wagstaffe Spotted Gum Forest EEC (PCTs 3234, 3437)
- Retirement of one Species Credit for *Chalinolobus dwyeri*/Large-eared Pied Bat
- Retirement of one Species Credit for *Vespadelus troughtoni*/Eastern Cave Bat

No objections are raised, however, the BDAR will have to be resubmitted as the Credit Reports have not been finalised as required under the Section 10.1.1.8 of the Biodiversity Assessment Method.

The Biodiversity Referral will recommence upon reception of the amended BDAR with finalised Credit Reports.

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.