

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/1767
Proposed Development:	Construction of a dwelling house including a swimming pool
Date:	06/02/2025
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 1225869 , 35 A Queens 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

Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Portions of the site are identified on the NSW Governments Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, 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).

The Bushfire Risk Assessment (Bushfire Planning Services, February 2024) has recommended that "at the commencement of building works and in perpetuity the entire property shall be managed as an Asset Protection Zone in accordance with the requirements of Planning for Bushfire Protection, the RFS document Standards for Asset Protection Zones (APZ) and in a manner that does not create a bushfire hazard to the property".

The Statement of Environmental Effects (Northern Development Assessment) states that "the proposal does not require the removal of any significant trees or vegetation" in relation to the application of the BV Map for triggering the BOS. However, guidance from the NSW Government states that "If an APZ is proposed within vegetation that is partially cleared and meets the specifications of the proposed

APZ or subsequent 10/50 clearing entitlement, it must still be considered when determining whether a BDAR is required".

As such, an accredited assessor trained in the application of the Biodiversity Assessment Method (BAM) is required to prepare a BDAR for submission with the development application. Upon receipt of the BDAR, Council's Biodiversity Referrals team will recommence assessment of the application.

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.