

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/1619
Date:	05/12/2022
Responsible Officer	Dean Pattalis
Land to be developed (Address):	Lot 20 DP 28663 , 65 Dolphin Crescent 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

This proposal has been assessed against the following provisions:

- NSW Biodiversity Conservation Act
- Pittwater LEP 2014 - 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 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). Additionally, portions of the site have been mapped as Pittwater Spotted Gum Forest.

The Arboricultural report has indicated that the site has a total of sixteen high category trees and an additional 7 low category trees that could be impacted if protective measures are not implemented before and during construction works. No objections are raised in this regard as long as the protection measures are in place before the works commence and maintained during works.

The proposal has been submitted with a Landscape report and as per the Landscape Referral Response: "All new planting shall be at least 80% native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community)." Planting at the back of the site should be restricted to Pittwater Spotted Gum Forest species and therefore, species the species plant list has to be amended. *Waterhousea* sweepers shall be replaced with species native to Pittwater Spotted Gum Forest.

Inconsistencies between the Master Plans and Landscape plans have also been noted with a timber fence being setup at the back of the property in the Landscaping plan which has not been sighted in the master plans.

Additionally, a geotechnical report has been submitted indicating that excavation works will take place at the back of the property (North) at a separation of 6.5 metres from the boundary which is an area located within the BV Map. The master plans also propose that stockpiling of materials takes place at the back of the property within the BV Map area. Objections are raised as the stockpiling and excavation could have an impact on native flora and fauna.

Lastly, the SOE mentions that DCP control B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community is addressed in Appendix 10 which has not been included in the report submitted with the application.

Additional information is required as to the current state of the vegetation in the site to determine whether irreversible and significant impacts will take place on native flora and fauna in the BV Map area. Once that information has been included with the application a final referral can be given.

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:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of Waterhousea Sweepers and azalea bank from BV Map area
- "All new planting shall be at least 80% native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community)."

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifier prior to issue of the Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

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.

Protection of Habitat Features

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

Reason: To protect wildlife habitat.

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.