

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/0486
<b>Date:</b>	18/05/2021
<b>Responsible Officer</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot 100 DP 1196629 , 129 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

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

- Biodiversity Conservation Act 2016
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- Coastal Management SEPP 2018 cl. 13 Development on land within the coastal environment area

The Development Application seeks approval for the construction of a new garage to replace the original garage which was destroyed in a fire. A new covered deck to the existing studio under the garage is also proposed.

As identified in the Landscape referral, the Statement of Environmental Effects (SEE) stated that three (3) trees are proposed for removal. The Architectural Plans and Arboricultural Impact Assessment do not support this and have not identified that any trees will require removal to facilitate the proposed development.

The proposed development is located within the Biodiversity Values Map (BV Map) which identifies land with high biodiversity value. The map is prepared by the Department of Planning, Industry and Environment (the Department) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act). As there is no native vegetation proposed for removal, the proposal does not trigger the Biodiversity Offset Scheme (BOS) and a Biodiversity Development Assessment Report (BDAR) is not required to be submitted with the application.

Retention of all native trees within the site is a condition of this consent.

Subject to these conditions, Council's Biodiversity referrals team are satisfied that the proposal complies with the above listed biodiversity controls.

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 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 Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death 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**

**Protection of Habitat Features**

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

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

**No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified on the NSW WeedWise website) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.