

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2023/0072
<b>Proposed Development:</b>	Construction of a dwelling house
<b>Date:</b>	08/03/2023
<b>Responsible Officer</b>	Jordan Howard
<b>Land to be developed (Address):</b>	Lot 2 DP 260241 , 100 Hilltop 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 proposal seeks approval for the construction of a dwelling house.

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

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- NSW Bushfire Prone Land
- Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection
- Pittwater 21 DCP - Clause B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community

It is noted that the proposal has been submitted with an Arboricultural Impact Assessment Report (AIA), a Bushfire Hazard Assessment Report (BF) and a Landscape Plan.

The BF report has stated that the topography does not allow for the establishment of adequate APZs due to the steep terrain of the site, however has recommended that the site be treated as an Inner Asset Protection Zone (APZ) in perpetuity. NSW Rural Fire Service (RFS) have confirmed this recommendation.

The AIA has recommended the removal of a total of 15 trees to accommodate the proposed footprint. These include a total of 11 native trees, a single exotic (T5 - *Ligustrum lucidum*) and three dead trees (15, 17 and 18). However, three of these trees are located within the Council verge and their removal cannot be approved. Please refer to the Landscape Referral teams' response for more information on trees found within the Council verge.

The Landscape report has provided an appropriate planting schedule that includes bushland regeneration activities within the BV Mapped area of the site due to a high presence of weeds as per the list of weeds provided on Northern Beaches Council's website.

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). As native trees located within the BV Map area are proposed for removal, a BDAR is required to be prepared by an Accredited Assessor trained in the Biodiversity Assessment Methodology (BAM) in order for Council's Biodiversity Referral team to be able to complete the referral. The BDAR is to consider impacts from tree removal and those associated with clearing for establishment of the Asset Protection Zone (APZ).

Upon receipt of additional information, Council's Biodiversity Referral team will recommence assessment of the development 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.