

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/0317
<b>Date:</b>	20/04/2021
<b>Responsible Officer</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot 2 DP 833902 , 141 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:

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

The Development Application seeks consent for the construction of a dwelling on a vacant block. The Arborist Report (Abacus Tree Services 2021) submitted with the Application identified that 24 trees will require removal, most of which are considered to be Prescribed trees.

The property is located within the Biodiversity Values Map designated by the NSW State Government (Department of Planning, Industry and Environment), making it subject to the provisions of the NSW Biodiversity Conservation Act 2016. The removal of native vegetation from within an area mapped on the Biodiversity Values Map triggers the Biodiversity Offset Scheme (BOS) and the subsequent requirement for a Biodiversity Development Assessment Report (BDAR) to be prepared by an accredited assessor and submitted with the application.

The BDAR should take into account any direct and prescribed impacts to Pittwater Spotted Gum Forest EEC, which is listed as a Serious and Irreversible Impact (SAIL) entity under the BOS. Any impacts which are considered to be serious and irreversible to Pittwater Spotted Gum Forest EEC as a result of the development will not be supported by Council.

Furthermore, the site is located within the Coastal Environment Area designated under the Coastal Management SEPP (2018), and is therefore required to meet the objectives of cl.13, which includes avoiding adverse impact to marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. This is to be discussed and assessed within the BDAR.

The BDAR must identify how impacts have been avoided/minimised and address compliance with LEP/DCP controls, including objectives for no net loss of native canopy trees. The applicant is encouraged to consider measures to improve compliance with DCP B4.7 by reducing the footprint to retain additional Spotted Gums, reducing the impact of the entry way or potentially redesigning so that entry is from the rear of the already approved carport.

The BDAR is to be accompanied by a Vegetation Management Plan (VMP) to guide weed removal and replanting of Pittwater Spotted Gum Forest Endangered Ecological Community within the site. The VMP is to be prepared by a suitably qualified person experienced in restoration ecology.

At this stage, Council's biodiversity referrals team are unable to provide a referral for this Development Application. Upon receipt of requested documentation, assessment will recommence.

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.