

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0044
Proposed Development:	Demolition works and construction of Seniors Housing with basement parking
Date:	16/02/2024
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 11 DP 12435 , 27 Kevin Avenue AVALON BEACH NSW 2107 Lot 10 DP 12435 , 25 Kevin 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

The proposal has been assessed against the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection
- Pittwater 21 DCP - B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- Pittwater 21 DCP - B4.6 Wildlife Corridors

Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEE) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any 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 proposal has been submitted with an arborist report that has assessed the condition of a total of 63 trees and recommended the removal of a total of 11 (9, 12, 51-59) trees which are all prescribed. Trees 51, 52 and 53 are proposed for removal and appear to be mapped within the BV Map.

A letter from an ecologist has been submitted as evidence to confirm that entry into the BOS is not

triggered by the proposal and states "The proposal does not require the clearing of native vegetation and other biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017 on land identified on the BV Map and therefore, does not trigger entry into the BOS."

Upon review of the submitted information inconsistencies between the Ecologist's letter and the submitted plans showing the removal of native vegetation have been identified and require clarification. A site inspection conducted on 14/02/2024 confirmed that no native groundcovers and midstorey are present as established in the submitted Ecologist's letter. However, trees 51, 52 and 53 appear to be found within the BV Map area and their removal would trigger entry into the BOS and the requirement of a BDAR.

These impacts have to be reviewed and corroborated by the ecologist. If the review determines that these trees are indeed mapped within the BV Map a BDAR will have to be prepared by an accredited assessor and submitted with the application once it has been finalised. The Biodiversity referral will recommence upon reception of comments of the reviewed impacts to the BV Map area.

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.