

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/0786
Date:	25/08/2022
Responsible Officer	Nick England
Land to be developed (Address):	Lot 8 DP 21933 , 47 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 application seeks approval for the construction of a new garage and landscaping. Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:

Biodiversity Conservation Act 2016 (BC Act) Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

Pittwater Development Control Plan (PDCP)

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Updated comments

The design plans have now been amended to retain tree 1, and therefore a Biodiversity Development Assessment Report (BDAR) is not required and a significant impact to Pittwater Spotted Gum Forest EEC is unlikely. Landscaping is to comply with the requirements of P21 DCP B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community.

Original comments

The site is partially located within the Department of Planning and Environment's (DPE) Biodiversity Values (BV) mapping. Any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS). The application is accompanied by an Arboricultural Impact Assessment Report (RainTree Consulting 2022) and an Ecological Letter (Kingfisher Urban Ecology

2022).

The application seeks to remove Tree 1 (*Glochidion ferdinandi*) located within the road reserve to accommodate the proposed driveway crossover. The Ecology Letter states that Tree 1 is located outside DPE's BV mapping, however, this statement appears to be contradicted by Figures 1.1 & 1.4. On this basis, the minimum submission requirements have not been met and the Biodiversity Referral cannot support the application. The applicant is encouraged to redesign to retain Tree 1, or must provide a Biodiversity Development Assessment Report (BDAR).

On receipt of the requested information, the Biodiversity Referral can reassess the application.

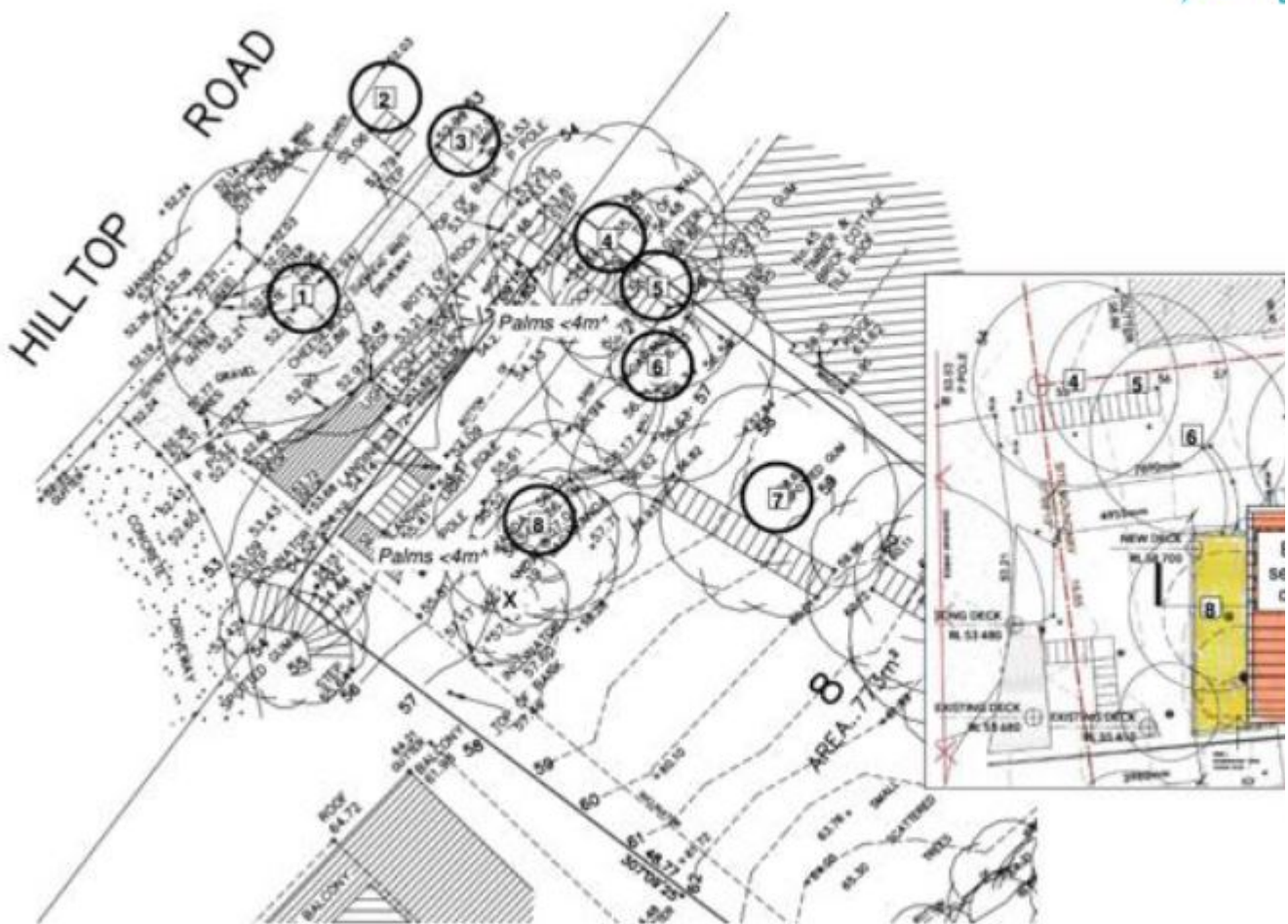


Figure 1.1. Extract from Arboricultural Impact Assessment. Source: raintree Consulti



Figure 1.4. Biodiversity values. Source: DPIE and accessed 2022.

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.

Amendment of Landscape Plans

The submitted Landscape Plan (Volker Klemm Landscape Design Drawing DA 01 Rev A dated 03/22), is to be amended to ensure that at least 80% of any new planting incorporates native vegetation as per species found on the site or listed in the NSW Scientific Committee Final Determination for the Pittwater Spotted Gum Endangered Ecological Community (see community profile information at <https://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10634>).

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifying Authority 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**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**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 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.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**Protection of Habitat Features**

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

Reason: To protect wildlife habitat.