

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1302
Date:	27/08/2021
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 70 DP 24563 , 92 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
- Biodiversity Conservation Regulation 2017
- 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 partial demolition of the existing fire damaged dwelling, and the construction of a new dwelling, carport and swimming pool.

The entire subject site is located on the Biodiversity Values (BV) Map, which identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The map forms part of the Biodiversity Offsets Scheme (BOS) threshold, which is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal. The map is prepared by the Department of Planning, Industry and Environment (DPIE) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Development occurring within the BV map requires assessment under the Biodiversity Assessment Methodology (BAM) 2020 if it involves:

- Impacts to Native Vegetation (as defined under 60B of the Local Land Services Act 2013); including clearing and/or establishment of Asset Protection Zones, or
- Prescribed actions (as defined under 6.1 of the Biodiversity Conservation Regulation 2017).

The Arboricultural Impact Assessment (Hugh the Arborist, June 2021) recommends the removal of two (2) native canopy trees, including Tree 17 *Allocasuarina torulosa* and Tree 18 *Ficus rubiginosa*. Other native trees proposed for removal include Tree 4 *Archontophoenix cunninghamiana*, Tree 6 *Glochidion ferdinandi*, Tree 7 *Acacia baileyana* and Tree 19 *Brachychiton acerifolius*, however these trees are all classified as exempt due to species or height (below 5m) in accordance with the Pittwater 21 DCP.

As native vegetation is required to be removed in order to facilitate the proposed works, a Biodiversity Development Assessment Report (BDAR) is required to be prepared by an accredited assessor trained in applying the Biodiversity Assessment Method (BAM 2020) and submitted as additional information.

The Landscape Plan is to be amended in order to comply with P21DCP cl. B4.7 and is to ensure that at least 80% of any new planting incorporates native vegetation (as per species found in Pittwater Spotted Gum Forest Endangered Ecological Community). The landscape plan is to include replacement plantings at a ratio of 2:1 for native trees removed as part of the proposal. Tree species are to be from the Pittwater Spotted Gum Forest EEC listing which can be found at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Scientific-Committee/Determinations/2013/pittwater-wagstaffe-spotted-gum-forest-nsw-scientific-committee-final-determination.pdf?la=en&hash=95E95CC5FFA86592227BE0A6B42614F597BCE468>. Compliance with P21DCP cl. B4.7 will be conditioned at a later stage should the DA be supported by our referral body.

Upon submission of the BDAR, Council's Biodiversity referrals 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.