

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/2152
<b>Proposed Development:</b>	Demolition works and subdivision of land into 9 lots including tree removal and infrastructure work
<b>Date:</b>	12/10/2023
<b>Responsible Officer</b>	Adam Croft
<b>Land to be developed (Address):</b>	<p>Lot 3 DP 210342 , 128 Crescent Road NEWPORT NSW 2106</p> <p>Lot 21 DP 545339 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 407538 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 460612 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot 1 DP 503390 , 126 Crescent Road NEWPORT NSW 2106</p> <p>Lot 2 DP 210342 , 55 The Avenue NEWPORT NSW 2106</p> <p>Lot 111 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 112 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot LIC 188424 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p>

### 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

AMENDED COMMENTS (12 OCTOBER 2023):

Amended plans have been provided showing the retention of the hardstand along The Avenue showing that no additional impacts would take place on tree 57 as long as tree sensitive methods are adhered to in accordance with the Arborist's recommendations.

The arborist report has indicated that trees 3, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76 can be retained. Trees 4, 5, 7, 8, 11-15, 18, 20-28, 31-36, 38-42, 44, 46, 47,

49, 50, 52-55 are exempt under Council's provisions and no objections are raised as to their removal. The removal of trees 6,9, 10, 30 and 51 can be supported as part of the stormwater infrastructure works, however, replacement planting will be conditioned for the removal of 4 native prescribed trees. The removal of trees 19 and 29 is supported as they are structurally defective and represent a hazard, however replacements will be conditioned as these are native prescribed trees. The removal of trees 1 and 2 is supported as per the Landscape Referral and will have to be replaced as conditioned.

#### AMENDED COMMENTS (21 AUGUST 2023):

It is noted that additional information has been requested in relation to driveway design and to infrastructure works proposed for the Avenue, both of which are likely to have implications for the overall extent of tree impacts. Assessment of the proposal against applicable biodiversity provisions will therefore recommence upon receipt of this information.

#### ORIGINAL COMMENTS (2 MARCH 2023):

The proposal seeks approval for demolition works and subdivision of land into 9 lots including tree removal and infrastructure work.

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

- SEPP (Resilience and Hazards) 22021 - Chapter 2: Development within the coastal environment
- Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection
- Pittwater 21 DCP - Clause B4.6 Wildlife Corridors

The application has been submitted with an accompanying arborist report (AIA) that has assessed 76 trees. A total of 43 trees have been assessed as exempt due to either height and/or species, while three trees have been assessed as dead or subject to structural failure.

The report recommends removal of 63 trees to allow for the footprint of the project in its current form. Tree 56 a mature *Eucalyptus paniculata* has also been proposed for removal regardless of it being in a fair condition. Additionally, the SEE has wrongly summarised the removal of trees establishing that only 46 trees will be removed with 17 of them being prescribed - these are two separate groups of trees that have been appropriately identified in the AIA.

The proposal will result in the removal of approximately 60% of native canopy trees currently on the site. In accordance with PDCP B4.6 Wildlife Corridors, "development shall not result in a significant loss of canopy cover or a net loss in native canopy trees." In order to demonstrate that the subdivision can achieve compliance with PDCP B4.6, a Concept Landscape Plan is required to be submitted. The plan is to indicate the locations, species and sizes of replacement plantings proposed to achieve no net loss in native canopy trees. In addition, new plantings are to be selected from the Pittwater Ward section of the Native Planting Guide and/or the relevant section of the Pittwater Native Gardening Booklet (both available on Council's website).

#### Required Information:

- Non-destructive tree root investigation for Tree 57 and amended plans, in accordance with the Landscape referral
- Concept Landscape Plan indicating the locations, species and sizes of required replacement plantings to compensate for trees removed for subdivision works

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**Wildlife Protection**

If construction activity associated with this development results in injury or displacement 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.

**Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**Replacement of Canopy Trees**

At least 6 locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with Council's Native Gardening Guide.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

**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 Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

**Priority Weed Removal and Management**

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023)

within the development footprint are to be removed.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA  
SUBDIVISION OR SUBDIVISION 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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.