

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2020/0149
<b>Date:</b>	28/04/2020
<b>Responsible Officer</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot 121 DP 600228 , 7 Sturdee Lane ELVINA BAY NSW 2105

### 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

#### Updated Biodiversity Referral (28 April 2020)

This updated referral is based on the following additional information:

- Arboricultural Impact Assessment Report (Margot Blues Consulting Arborist, April 2020)

The submitted arborist report provides for an alternative design option which will enable retention of the two significant Spotted Gums. Subject to amendments to ensure retention of these trees, the proposal is supported.

#### Biodiversity Referral (26 March 2020)

Additional information is required to enable assessment of the proposal's compliance with relevant controls.

The following biodiversity provisions apply to the site:

- NSW Biodiversity Conservation Act 2016
- SEPP Coastal Management (Coastal Environment Area)
- Pittwater LEP Clause 7.6 (Biodiversity Protection)
- Pittwater DCP Clause B4.7 (Pittwater Spotted Gum Forest EEC)
- Pittwater DCP B4.22 (Preservation of Trees and Bushland)

The proposal involves alterations and additions to the existing dwelling house including erection of a bedroom pavilion to the east of the existing dwelling and a 6m<sup>2</sup> extension to the existing deck. The proposed additions will require the removal of and/or impact to at least three trees, including two advanced Spotted Gums (*Corymbia maculata*). The relevant controls (particularly PDGP B4.22) require an arborist report and tree protection plan to be submitted where a development is likely to impact upon protected native trees.

An arboricultural assessment report (with tree protection plan) is therefore required to be submitted. The report is to be prepared by a minimum AQF Level 5 arborist, is to be based on the plans submitted in support of the DA, and is to consider all associated components including any new services (e.g. stormwater) and Bushfire Asset Protection Zones.

It is noted that removal of mature locally native canopy trees - particularly within declared endangered ecological communities - is generally not supported without adequate justification as it is inconsistent with the technical requirements of relevant controls. Supporting reasons for proposed removal of the two advanced Spotted Gums is to be demonstrated in the arborist report. Alternatively, in order to achieve compliance with the controls, the applicant may seek to demonstrate appropriate compensatory planting or redesign the proposal (e.g. shift the deck extension forward) to avoid impacts to protected trees.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **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 Principal Certifying Authority prior to issue of Construction Certificate.

**Reason:** To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

### **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Impacts to Protected Native Wildlife**

Trees to be removed must be inspected for native wildlife prior to removal. If native wildlife is found within trees to be removed, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

**Reason:** To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

### **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

#### **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

**Reason:** Weed management.