

Natural Environment Referral Response - Biodiversity

Application Number:	DA2025/0136
Proposed Development:	Construction of a boat shed, waterway access stairs and landscaping
Date:	05/06/2025
Responsible Officer	Anaiis Sarkissian
Land to be developed (Address):	Lot 56 DP 7794 , 60 Hudson Parade CLAREVILLE 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

Original Comments (03/04/2025)

Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP 2014 cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- SEPP (Resilience and Hazards) 2021 - Coastal Environment Area

The following documentation submitted as part of the development application has been reviewed in relation to biodiversity matters:

- Flora and Fauna Assessment Report (Narla Environmental, December 2024)
- Arboricultural Impact Assessment (Martin Peacock Tree Care, January 2025)
- Architectural Plans (Bennet Murada Architects, January 2025)
- Statement of Environmental Effects (Boston Blyth Fleming, December 2024)

The Flora and Fauna Report confirms the presence of Pittwater Wagstaffe Spotted Gum Forest (PWSGF) within the subject site, including Trees 15, 16 and 17. PWSGF is an Endangered Ecological Community listed under the Biodiversity Conservation Act 2016. The Arborist recommended the

removal of Tree 17 (*Corymbia maculata*) as it is located within the footprint of the boatshed, and has proposed that T15 and T16 be retained.

Previous advice provided to the applicant by Council's Biodiversity Referrals team for a pre-lodgement meeting (PLM2024/0038), included that the trees belonging to PWSGF be retained and that the proposal consider alternative locations within the site, such as the existing cleared/landscaped area to the north of the current proposed location. The Arborist Report states that "the potential to locate the boatshed etc. in the northwestern corner of the site was investigated as part of the design development stage. However, it was determined that the extent of excavation that would be required within the Tree Protection Zone (TPZ) area of the neighbours Tree F could potentially impact the health of the tree". Council's Landscape Referrals team have provided comments on this statement, and have identified that tree protection zone encroachment to the neighbouring tree F is not expected to increase as it would be located upon hardstand area which would render a barrier to tree root growth from tree F. Council's Landscape Referrals team have also raised the issue that trees 15, 16 and 17 appear to be interconnected and as such excavation to one may impact the other two trees. Long term impacts to the three *Corymbia maculata* canopy trees within the property would result in non-compliance with Pittwater 21 DCP B4.7 Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees, and that Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations. Tree 16 contains a number of different sized hollows which provide habitat for threatened species and impacts to this tree are not supported.

Given the comments discussed above, Council's Biodiversity Referrals team do not support the application as it is currently presented. The applicant is once again encouraged to further explore alternative locations that do not require the removal of Pittwater Wagstaffe Spotted Gum Forest.

Additional Comments (05/06/2025)

Amended documentation has been provided and reviewed, including (not limited to):

- Landscape Plan (Pangkarra, May 2025)
- Master Plans (Bennett Maruda Architects, May 2025)
- Arboriculture Report (Martin Peacock Tree Care, May 2025)
- Stormwater Report (NB Consulting Engineers, May 2025)

In response to Council feedback, the proposed boatshed design has been amended in accordance with the above mentioned plans and documentation in order to reduce impacts to Trees 15, 16 and 17 to ensure retention of Pittwater Spotted Gum Forest within the rear of the site. As such, the footprint of the boatshed has been reduced and located further away from the trees. Tree root investigation was undertaken by the Arborist and confirmed that the construction of the boatshed will be above existing grade on piers in order to avoid significant roots. The Landscape Plan provides for additional native canopy planting, including 1 x *Corymbia maculata* and a range of other small native trees, shrubs and groundcovers across the rear of the site.

On the basis that sufficient evidence has been provided by the Arborist in terms of tree retention, there are no objections in relation to biodiversity, subject to conditions.

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

Compliance with Ecologist's Recommendations – Pre-construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Temporary Protection Fencing – Exclusion Zones

Prior to the commencement of any works onsite, temporary mesh construction fencing is to be erected surrounding areas of retained native vegetation on the site.

Details demonstrating compliance must be prepared by the Project Ecologist and submitted to the Principal Certifier prior to any commencement.

Reason: To protect native vegetation.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Ecologist's Recommendations – During Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed 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****Compliance with Ecologist's Recommendations – Post Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Protection of Habitat Features – Certified by Ecologist

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.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) 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.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**Compliance with Ecologist's Recommendations – Ongoing**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report (Narla Environmental, December 2024) are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.