

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2018/0394
Responsible Officer	Nick Armstrong
Land to be developed (Address):	Lot 1 DP 878612 , 125 Riverview Road AVALON BEACH NSW 2107 Lot 2 DP 878612 , 127 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

The proposed modification has been assessed against the following controls by Council's Natural Environment Officer and Consultant Arborist:

- Pittwater DCP Clause B4.7 (Pittwater Spotted Gum Forest Endangered Ecological Community)
- Pittwater LEP Clause 7.6 (Biodiversity Protection)

The proposed timber stairs and deck extension along the southern boundary are within close proximity to the trunks and Tree Protection Zones (TPZs) of Trees 1 and 2, both of which are locally native Smooth-barked Apples (*Angophora costata*) assessed as being of exceptional and high significance respectively. Council's Consultant Arborist has undertaken a site inspection and desktop assessment and advises that the location of the proposed timber stairs and deck extension within close proximity of Trees 1 and 2 is highly likely to affect the health and condition of these significant trees. It is therefore considered that the proposal to build additional stairs and extend the deck is inconsistent with the objectives of the controls and as such, is not supported by the Biodiversity Section. Support of this modification is therefore subject to deletion of the proposed stairs and deck extension along the southern boundary.

It is noted that the original consent required replanting of six locally native canopy trees to replace protected trees proposed for removal. Given that the additional trees proposed for removal as part of this modification (Trees 14 and 15) are non-locally native Weeping Figs, the required number of compensatory plantings has not been increased (subject to deletion of the proposed stairs and deck extension along the southern boundary). However, an amended condition of consent is proposed to replace Condition 9 of original consent N0275/15 to reflect the original requirement.

Subject to the recommended amendments and conditions of consent, it is considered that the proposal can achieve consistency with the controls.

Referral Body Recommendation

No answer provided

Recommended Natural Environment Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Amend architectural plans

The architectural plans submitted in support of this modification (Mod2018/0394) are to be amended in accordance with the following:

- Deletion of the a) proposed modification to the stairs on the southern side of the property; and
- b) proposed deck extension on the southern side of the property.

Plans are to be amended prior to issue of the Construction Certificate.

Reason: To ensure safe retention of highly significant Trees 1 and 2 in accordance with the objectives of Pittwater DCP Clause B4.7 (Pittwater Spotted Gum Forest EEC) and LEP Clause 7.6 (Biodiversity Protection).

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree Protection - Arborist Supervision of Works

All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and minimally AQF Level 5 qualified Arborist. Should roots larger than 40mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

Reason: To safely retain protected locally native trees in accordance with Pittwater DCP Clause B4.7 (Pittwater Spotted Gum Forest EEC) and LEP Clause 7.6 (Biodiversity Protection).

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

Tree Planting

TO REPLACE CONDITION 9 OF CONSENT N0275/15:

At least 6 locally native canopy trees are to be planted on site to replace trees approved for removal. Specimens are to be planted from tubestock and species are to be selected from the following list:

- Broad-leaved White Mahogany (*Eucalyptus umbra*)
- Grey Ironbark (*Eucalyptus paniculata*)
- Red Bloodwood (*Corymbia gummifera*)
- Rough-barked Apple (*Angophora floribunda*)
- Smooth-barked Apple (*Angophora costata*)
- Southern Mahogany (*Eucalyptus botryoides*)
- Spotted Gum (*Corymbia maculata*)

- Swamp Mahogany (*Eucalyptus robusta*)
- Sydney Grey Gum (*Eucalyptus punctata*)

Replacement plantings are to be retained for the life of the development or for their safe natural life. Trees that die or are removed must be replaced with another tree consistent with the above list. Replacement plantings are to be certified as complete and in accordance with these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of the Occupation Certificate.

Reason: To establish appropriate landscaping in accordance with relevant Natural Environment LEP/DCP controls.

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

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 mitigate potential impacts to native wildlife resulting from construction activity.