

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2021/0986
Date:	22/02/2022
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 1 DP 202857 , 7 Trentwood Park 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

Revised Comments

The original biodiversity referral stated tree #14 was to be removed, however this was incorrect. Tree #14 was previously conditioned for retention, and the tree will be retained as part of the current development design. Trees #13 and #25 have been approved for removal by the Council Landscape team as they have been assessed as being in decline. The Landscape Referral has conditioned their replacement with two 75 litre trees, thereby requiring replanting of a total of five trees within Lot 1.

Tree #27 was approved for removal for bushfire hazard reduction purposes, however it is recommended that tree #27 is now retained due to the removal of trees #13 and #25. Therefore, based on the recommended retention of Tree #27, and the planting of an additional two advanced Eucalyptus umbra, it is considered that the proposed modification will not result in an increase in impacts to biodiversity values within Lot 1.

Original Comments

As highlighted in the Ecological Assessment (Cumberland Ecology 15 December 2021), the proposed development modification will exceed the BOS threshold as clearing of native vegetation for both the modified, and approved development footprints, is required on land that is mapped on the Biodiversity Values Map (BV Map).

They also state that although a BDAR is technically required to support the DA, the proposed modification application within Lot 1 will result in a similar impact footprint as that for the approved DA and is not considered to increase the impact on biodiversity values of the subject site.

Council notes that the proposal requires the removal of two additional trees that are characteristic

species of the Pittwater Wagstaff Spotted Gum Forest endangered ecological community and mapped within the Biodiversity Values map area. Trees #13 and #25 are *Eucalyptus umbra*, and were identified for retention as part of the approved subdivision development.

As part of this assessment, Council has reviewed cl7.17 Modifications of planning approvals or activities of the Biodiversity Conservation Act 2016. Council disagrees with the Cumberland Ecology statement, and is not satisfied that the removal of two additional trees will not increase the impact on biodiversity values (cl7.17(c)). In order to address this, either a BDAR is required to be submitted, or the design is to be amended to ensure that there is no increase to the impact to biodiversity values. One other option that could be investigated (in consultation with the project Arborist and bushfire consultant), would be the retention of trees #14 and #27 instead, both of which have been previously approved for removal

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

Amend Proposal Plans

The Proposal Plans are to be amended. The proposed dwelling and associated works are to be amended to facilitate the retention of Tree #27. Updated Proposal Plans are to be certified by the Project Arborist (including any further tree protection measures for T27) and details provided to the Principal Certifying Authority prior to issue of any construction Certificate.

Reason: To ensure the retention of Tree No. 27.