

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0098
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot B DP 102459 , 13 Dress Circle 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 proposal has been assessed against the NSW Biodiversity Conservation Act 2016 (BC Act), Pittwater LEP 7.6, and Pittwater DCP B4.3, B4.7, and B4.22.

The site contains 4 *Corymbia maculata* (Spotted Gum) trees in the front yard, one is within the development footprint for the secondary dwelling. The adjacent site to the east (11 Dress Circle) contains 4 *Corymbia maculata* near the border of the subject site.

An Arborist report is provided that assesses 3 *Corymbia maculata* in the front yard. Two of these (T1 and T2) are assessed as having long ULEs, and T3 is assessed as having a medium ULE with low retention value. The report specifies that this is not a recommendation for removal, but that trees with a low retention value are *not worthy of constraining plans and construction processes during any development at a site*. Pursuant to DCP B4.7 and B4.22 the development is to be sited and designed to minimise the impact on native vegetation, including canopy trees. This has not been addressed in the SEE.

The Arborist report appears to have incorrectly identified T3 for removal on Figure 6. The image on page 15 indicates T3 is the tree that is located closest to the existing dwelling and is within the development footprint. However Figure 6 shows T3 closer to the road and outside the development footprint. This inconsistency is reflected in the Architectural Plans (Site Plan 001, and 001A). In addition, there are three *Corymbia maculata* on the neighbours property that are within 5m of the proposed works, these were not addressed in the Arborist report.

Pursuant to DCP B4.22, replacement planting is required for all trees proposed for removal. A Landscape Plan must be provided.

The proposal is not supported due to inconsistent and inadequate information. The following is required:

- Revised Arborist report that assess all significant native trees (including trees on the neighbours property) within 5m of the proposed works, including retaining walls and concrete paths;
- Revised Architectural plans that show the correct trees proposed for removal are required. In addition, the Arborist report is to assess all trees that are within 5m of the proposed development;
- SEE is required to address the provisions of PLEP 7.6, DCP B4.7 and B4.22, and demonstrate that the development *has been designed to minimise any impact on the Pittwater Spotted Gum Forest and on remnant native vegetation, including canopy trees.*;
- A Landscape Plan that shows replacement planting for any trees proposed for removal.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.