

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/2442
Date:	20/01/2022
Responsible Officer	Julie Edwards
Land to be developed (Address):	Lot 22 DP 602041 , 90 Cabbage Tree Road BAYVIEW NSW 2104

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 development has been assessed against the following biodiversity legislation and controls:

- NSW Biodiversity Conservation Act 2016
- Pittwater LEP Clause 7.6 (Biodiversity Protection)
- Pittwater DCP Clause B4.18 (Heathland/Woodland Vegetation)
- Northern Beaches Bush Fire Prone Land Map

The submitted arborist report (Jacksons Nature Works, 24 August 2021) assesses 11 trees within the vicinity of proposed works; four of which are exempt by species, and seven of which are prescribed (protected).

Five prescribed trees are proposed for removal; these are:

- Tree 6: Magenta Lilly Pilly (*Syzygium paniculatum*)
- Tree 7: Magenta Lilly Pilly (*Syzygium paniculatum*)
- Tree 8: Magenta Lilly Pilly (*Syzygium paniculatum*)
- Tree 9: Sandpaper Fig (*Ficus coronata*)
- Tree 10: Black She-ok (*Allocasuarina littoralis*)

All but one of these trees has been assessed in the submitted arborist report as compromised by storm damage and/or dangerous. Given that the site contains extensive bushland that is not proposed to be impacted, the Biodiversity referrals team raises no objections to the removal of these trees - subject to

concurrence by Council's Landscape referrals team.

It is noted that Trees 6, 7 and 8 have been identified as Magenta Lilly Pilly, a listed threatened species. Given that these trees appear to be part of a cohort of old exotic trees (e.g. *Araucaria budwilli*, *Jacaranda mimosifolia*), it is assumed that these specimens have been planted along with other now-advanced trees. As such, it is considered that further assessment in the form of a s7.3 Biodiversity Conservation Act ("five part test") assessment is not required.

The submitted bush fire report (BPAD, 27 July 2021) recommends that "a vegetation management plan be formulated to provide for the ongoing maintenance of the vegetation within 10m of the new and existing building". This is supported and should take the form of a landscape plan prepared prior to the construction certificate. This will be conditioned.

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

Landscape Plan

A Landscape Plan is to be prepared which includes a minimum of 80% locally native species as a proportion of the total number of plants. Locally native species are to be selected from the Pittwater Ward list in the Native Gardening Guide available on Council's website. The Landscape Plan is to encompass the 10m buffer area recommended in Section 3 of the submitted bush fire assessment (BPAD, 27 July 2021).

The Landscape Plan is to be prepared by a suitably qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure compliance with Pittwater DCP Clause B4.18 (Heathland and Woodland Vegetation).

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

Wildlife protection

All tree hollows proposed for clearing are to be inspected by the Project Arborist prior to removal. Any native wildlife is to be safely relocated prior to felling of the tree. The Project Arborist is to provide written certification of compliance to the Principal Certifying Authority prior to any Occupation Certificate.

Reason: To protect native wildlife.

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

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Relocation of Hollows

Any hollows in trees to be removed are to be salvaged prior to tree felling and reused as fauna habitat within areas of retained native vegetation on the site

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the Landscape Plan, prepared in accordance with these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.