

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0416
Date:	16/06/2021
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 20 DP 11186 , 71 Alexandra Crescent 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

Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:

Biodiversity Conservation Act 2016 (BC Act) Biodiversity Conservation Regulation 2017

- Biodiversity Values Mapping

Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

Pittwater Development Control Plan (PDCP)

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Original Recommendation - 29/04/2021

Natural Environment Unit - Biodiversity note incorrect information has been cited within the submitted Biodiversity Report (Narla Environmental 2021) which states that the Department of Planning, Industry and Environment's (DPIE) *Biodiversity Values* (BV) mapping does not occur within this site. The site was included in the November 2020 update, and on review of the current available information, both Tree 5 and Tree 2 (Horticultural Management Services 2021) appear to be located within BV Mapping. Therefore, prior to any further assessment of the application, the applicant must:

- Reassess the available BV Mapping, and likely submit a Biodiversity Development Assessment Report; OR
- Avoid any native vegetation clearing within the BV Mapping and have the Ecologist and Arborist amend their reports to endorse that no native vegetation will be removed.

Additionally, the following conclusion within the Biodiversity Report is inaccurate based on submitted plans, and requires reassessment:

"The proponent has sited the proposed development in a location that will not require the removal of trees that are characteristic of the Pittwater Spotted Gum EEC... As such, an assessment of significance (5-part test) is not required as part of the proposed development." (Narla Environmental 2021).

Updated Recommendation - 16/06/2021

Natural Environment Unit - Biodiversity note the submission of the amended Biodiversity Report (Narla Environmental 2021) and Arboricultural Impact Assessment and Tree Management Plan (Horticultural Management Services 2021).

The updated application seeks approval for a single exempt tree (Tree 1 ; Avocado). The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values that would trigger the *Biodiversity Offset Scheme* (BOS). Council's NEU - Biodiversity has no objections to the removal of any tree that is a risk to life/property or are dead or dying, however as the trees constitute a part of the Endangered Ecological Community - Pittwater Spotted Gum Forest, the applicant will need to apply for a permit/license from the Environment, Energy and Science (EES) division of the Department of Planning, Industry and Environment (DPIE) prior to removal.

<https://www.environment.nsw.gov.au/licences-and-permits/wildlife-licences/licences-to-control-or-harm/licences-to-harm-threatened-species>

Subject to provision of the License from EES, Council should be provided a copy and notified of the intention to remove the trees.

Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.

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

New Vegetation Planting

Any proposed landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant

section of the Native Gardening Booklet available on Council's website.

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

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

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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 and environmental weeds.

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

Removal of trees that are deemed a risk to life/property or are dead or dying

Any tree that is deemed by an AQF5 Arborist to be risk to life/property or are dead or dying, that also constitutes a part of an Endangered Ecological Community (EEC) such as Pittwater Spotted Gum Forest (i.e. Tree 2 & Tree 5), will require a license from the Environment, Energy and Science (EES) division of the Department of Planning, Industry and Environment (DPIE) prior to removal.

<https://www.environment.nsw.gov.au/licences-and-permits/wildlife-licences/licences-to-control-or-harm/licences-to-harm-threatened-species>

A copy of the license must be provided to Council prior to any tree removal.

Reason: To protect threatened ecological communities.