

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2021/0389
Date:	21/06/2021
Responsible Officer	Ashley Warnest
Land to be developed (Address):	Lot 1 DP 450305 , 3 Bynya Road PALM BEACH NSW 2108

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 modification seeks approval for internal alterations and additions to an approved dwelling including, solar panels on the roof, roof over carparking, minor internal changes to the layouts, retaining the existing balconies and just squaring them off - new spa on balcony, gas firepit on rear balcony, replace interior fireplace with gas unit, retaining more existing structure to reduce demolition, more lower ground floor spa to connect to pool, new external staircase to link levels and fire egress to ground.

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) Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

Pittwater Development Control Plan (PDCP)

- B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The application requires the removal of a 6m Cheese Tree (*Glochidion ferdinandi*). The submitted Arborist Report 'Assessment of Condition of One Tree' (Urban Arbor 2021) determined the tree to be displaying signs of reduced health for the species, with apical dieback in the upper tips of the crown (apical dieback is when the tree starts to dieback from the top downwards). Approximately 10% of the overall crown area has died back. Apical dieback is often an indicator of root issues. Significant development works are approved in the TPZ and SRZ of the tree, including the construction of a spa and hard surfacing. These structures encroach into the TPZ of tree 1 by 25% (5.2m²) and significantly

into the SRZ, indicating that the condition and stability of the tree will potentially be impacted.

Given the likely ongoing impacts from the approved development and subject to replanting, Council's Natural Environmental Unit - Biodiversity 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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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 protect native wildlife.

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

Replacement of Canopy Trees

At least 2 locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with Council's Native Gardening Guide.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

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

Replacement of Canopy Trees

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.