

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0098
Responsible Officer	Jordan Davies
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

Updated comments 16/05/2019

The applicant has provided a revised Arborist report which includes survey and assessment of all trees within 5m of the works including trees on the neighbouring property. Due to access constraints to the proposed granny flat, the applicant is proposing to remove one *Corymbia maculata* Spotted Gum (T3). This is acceptable provided compensatory canopy tree planting and landscaping is undertaken in accordance with the B4.7 control.

Additional information provided 22/03/2019

A plan was provided that shows the deck of the secondary dwelling will be removed and replaced with stairs. This may constitute *designed to minimise any impact on the Pittwater Spotted Gum Forest and on remnant native vegetation, including canopy trees* as required under PLEP 7.6, DCP B4.7 and B4.22. The Arborist would need to verify that T3 can be retained if the deck is removed.

A revised Arborist report is still required that assesses all trees within 5m of the proposed works, this includes the Spotted Gums on the neighbours property for the proposed deck on the main dwelling.

If the applicant now proposes to retain T3, and if T3 is within 2m of the secondary dwelling, removal would be permitted without a Council permit once the secondary dwelling is constructed (<https://www.northernbeaches.nsw.gov.au/planning-development/tree-management/private-land>). If this is the case, a Landscape Plan is required that shows replacement planting. This can be conditioned prior to CC.

Initial assessment:

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 approval, subject to conditions

Recommended Natural Environment Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Compliance with Arborist's Recommendations – Pre-construction

All pre-construction tree protection measures specified in Sections 5 and 6 of the submitted arborist report (Dunlop 25/04/2019) and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with pre-construction measures is to be certified by the project arborist prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls. (DACNECPCC1)

Project Arborist

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and supervise all works within 5m of significant trees during works and certify all post-construction measures.

Evidence demonstrating Project Arborist engagement is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls

Preparation of Landscape Plans

Detailed Landscape Plans are to be prepared and certified by a qualified landscape architect, arborist or ecologist and are to include the following:

- the location of existing trees and vegetation to be retained, removed and/or planted. The structural root zone (SRZ) and tree protection zone (TPZ) of all existing trees should be indicated in accordance with Arborist Report (Dunlop 25/04/2019).
- A minimum of 1 replacement *Corymbia maculata* Spotted Gum must be incorporated into the plan, and shall be planted at 75 litre pot size, and shall have a minimum area of 3 metres x 3 metres. Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used
- A planting schedule comprising a least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community). The planting schedule is to specify details including stratum, species/common names, quantities, pot sizes and staking details.
- The proposed finished treatment of garden areas, including soil depth and the location of retaining walls and underground services.

The Landscape Plan is to be certified in writing by an arborist or ecologist prior to issue of the Construction Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls. (DACNECPCC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Implementation of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans certified prior to CC and these conditions of consent. The new landscaping is to be certified in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of the Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls. (DACNEEDW1)

Tree Protection during work - No Works within 5m/calculated Tree Protection Zone (TPZ)

The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks or the calculated TPZ of trees to be retained are not permitted, and the storage of

spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk or the calculated TPZ of a tree to be retained, is not permitted.

Reason: To protect and retain trees/the natural environment proposed for retention.

Compliance with Arborist's Recommendations – During Construction

All tree protection measures to be implemented during construction, as specified in Sections 5 and 6 of the submitted arborist report (Dunlop 25/04/2019) and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with these measures is to be certified by the project arborist in writing, including photographic evidence, prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls. (DACNEEDW2)

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

Certification of Landscape Plan Implementation

Landscaping is to be implemented in accordance with the approved Landscape Plans required prior to CC and these conditions of consent. The new landscaping is to be certified as complete and in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of any Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls. (DACNEFPOC1)

Compliance with Arborist's Recommendations – Post-construction

All tree protection measures to be implemented, as specified in Sections 5 and 6 of the submitted arborist report (Dunlop 25/04/2019) and these conditions of consent are to be implemented at the appropriate stage of development. Satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls. (DACNEFPOC2)

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

Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

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 in accordance with relevant Natural Environment LEP/DCP controls (DACNEGOG1)

No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

Works to cease if item found

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

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 mitigate potential impacts to native wildlife resulting from construction activity.