

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1682
Date:	11/11/2021
Responsible Officer	Stephanie Gelder
Land to be developed (Address):	Lot 171 DP 709495 , 14 Prince Alfred Parade NEWPORT NSW 2106

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 application seeks approval for alterations and additions to an existing dwelling, including the construction of a covered carport, occupant lift & associated access, lockable storage garaging below carport.

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) State Environmental Planning Policy (Coastal Management) 2018

- Proximity to Littoral Rainforest
- Coastal Environment Area

Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

Pittwater Development Control Plan (PDCP)

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

Updated Recommendation - 11/11/2021

The proposed retaining wall has been deleted within amended plans, and no works are to be undertaken within 5m of the high-value *Corymbia maculata* in the east of the property.

The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.

Original Recommendation - 12/10/2021

The submitted Statement of Environmental Effects notes that no trees will be removed as part of the proposed development, a statement which is supported by the submitted plans. No Arboricultural Impact Assessment has been submitted as a part of the application which is required to assess impacts to all trees within 5m of the proposed development. Of particular concern is the proposed retaining wall located to the north of the concrete slab (garage) which appears to be located within or in proximity to the Structural Root Zone of a high-value *Corymbia maculata*.

Submission of an Arboricultural Impact Assessment is required to quantify impacts to the tree, feasibility of retention during construction and long-term viability. *Corymbia maculata* are a diagnostic species of *Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion – endangered ecological community*, and the removal of a large specimen for the purposes of a retaining wall will not be supported by Council's Biodiversity Referral Team in accordance with the controls listed in B4.7 of the PDCP. Should an AQF5 Arborist determine that the retention of the tree with the current design will be infeasible, an alternate design should be sought that allows retention of the tree.

On receipt of the Arboricultural Report, the Biodiversity Referral Team can reassess the application.

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

No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Protection of Habitat Features

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

Reason: To protect wildlife habitat.

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.

New Vegetation Planting

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 Final Determination for Pittwater and Wagstaffe Spotted Gum Forest:

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Scientific-Committee/Determinations/2013/pittwater-wagstaffe-spotted-gum-forest-nsw-scientific-committee-final-determination.pdf?la=en&hash=95E95CC5FFA86592227BE0A6B42614F597BCE468>

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

Protection of Habitat Features

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

Reason: To protect wildlife habitat.