

## Natural Environment Referral Response - Biodiversity

|                                        |                                                         |
|----------------------------------------|---------------------------------------------------------|
| <b>Application Number:</b>             | DA2020/1780                                             |
| <b>Date:</b>                           | 14/04/2021                                              |
| <b>Responsible Officer</b>             | Kent Bull                                               |
| <b>Land to be developed (Address):</b> | Lot 1 DP 1229229 , 145 A Crescent Road 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

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

#### **Original Referral Recommendation 9/03/2021**

The application seeks to remove two (2) Turpentine (*Syncarpia glomulifera*) each determined to be High Significance within the submitted Arborist Report (Growing My Way 2020). These two trees constitute the only remaining native vegetation within the property, the removal of which would not be consistent with the controls of B4.4 of the PDCP which are applicable to the site. *"Development shall provide an adequate buffer to wildlife corridors. Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees."* The proposal in its current form would effectively fragment an existing, mapped wildlife corridor.

Additionally, no suitable replacement plantings (Turpentine) are proposed within the submitted Landscape Plan (Banksia Design Group 2020).

Suitable design alternatives should be considered within the rear of the property to avoid the remaining high value trees within the site.

#### **Updated Referral Recommendation 14/04/2021**

The following amended plans have been submitted following the original referral recommendation of Natural Environment Unit - Biodiversity:

- Landscape Plan (Issue D ; Banksia Design Group 2021)
  - Including provision of four (4) Turpentine (*Syncarpia glomulifera*).
- Site Plans (Midcoast Design ; 2021)
  - Amended to include retention of 'Tree 1' within the front of the property.

The NEU - Biodiversity referral team supports proposed retention of 'Tree 1'. The amended Landscape Plan is noted to now include four (4) Turpentine in back (north) of the property. The provision of these four trees is considered to satisfy the requirements of *Condition 30* of the previous DA (2019/0792) required as replacements for previous tree removal (already carried out), as well as the removal of a single Turpentine (Tree 3' ; Growing My Way 2020) for the purposes of this DA.

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

#### **Adherence to Natural Environment Consent Conditions**

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2019/0792, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

### **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**

**Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the amended Landscape Plans and 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.

**No Weeds Imported On To The Site**

No Priority or environmental weeds 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.