

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2023/1287
<b>Proposed Development:</b>	Construction of a secondary dwelling
<b>Date:</b>	20/09/2023
<b>Responsible Officer</b>	Phil Lane
<b>Land to be developed (Address):</b>	Lot 1 DP 28379 , 13 Ilya Avenue 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

The Development Application seeks consent for the construction of a secondary dwelling.

Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:

- NSW Biodiversity Conservation Act 2016
- Pittwater LEP 2014 cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The Arboricultural Impact Assessment assessed 15 trees within proximity to the development, 3 of which are proposed for removal. Trees proposed for removal include Tree 9 (*Syncarpia glomulifera*), Tree 14 (*Cinnamomum camphor*) and Tree 15 (*Brachychiton acerifolius*). Tree 14 is listed on Council's Exempt species list and no objections are raised on its removal.

The Statement of Environmental Effects (SEE) provides detail regarding the location of the proposed development within the site, which has been selected to reduce the amount of tree removal and retention of large sandstone outcrops which provide habitat to native flora and fauna. As such, the removal of 2 prescribed trees from within the property is considered a reasonable approach to avoid and minimise impacts to native vegetation. The development does not result in a significant onsite loss of canopy cover or net loss in native canopy trees, and the development is designed, sited and will be managed to avoid any significant adverse environmental impact.

No objections in relation to biodiversity, subject to these comments and conditions.

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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

**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**

**Replacement of Canopy Trees**

At least 3 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

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 Certifier 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) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.