

Natural Environment Referral Response - Biodiversity

Application Number:	DA2018/1548
Responsible Officer	Adam Urbancic
Land to be developed (Address):	Lot 8 DP 21880 , 24 Bona Crescent MORNING BAY NSW 2105

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 Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B1.4 Aboriginal Heritage Significance, B4.7 Pittwater Spotted Gum Forest EEC, B4.15 Saltmarsh EEC and believes the proposed development complies subject to conditions, as recommended.

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

Additional Tree Retention and Clarification of Plan Inconsistencies

Trees numbered T34 and T35 (numbering as per supplied and approved Arborist Report authored by Growing My Way - Kyle Hill, dated September 2017) are to be retained and protected. Any excavation works for the proposed boat shed shall be a minimum 3m from the base of the tree stems (including pier excavation). Alterations of the boat shed orientation or dimensions shall occur to ensure all trees noted to be retained are protected. Works shall not occur within 3m of the retained tree stems.

Reason: Natural Environment Protection (DACNECPCC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Ecologist Recommendations to be Implemented

All recommendations as set out in supplied Ecological Impact Assessment authored by Nala Environmental Pty Ltd, dated December 2017 are to be required to be complied with before and throughout the development period .

Reason: Natural Environment Protection (DACNEEDW1)

Tree Protection - Arborist Supervision of Works

All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and minimally AQF Level 5 qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

Reason: To ensure protection and retention of the Urban Forest/Natural Environment.

Excavation Near to Trees on Adjacent Properties

As excavation is required within five metres of an existing significant tree or trees and vegetation on an adjoining site, the excavation is to be supervised by a qualified consulting arborist. In the event that major structural roots or feeder roots are encountered, the arborist is to require the builder to carry out appropriate action to ensure the retention of the tree or other vegetation, and is to advise the Principal Certifying Authority accordingly. Works are not to progress past this point until the Principal Certifying Authority has confirmed that this condition has been satisfied.

Where the subject trees are on neighbouring property and are on Council's list of exempt species, tree removal remains subject to the owner's consent . Council will not be involved in approving or refusing removal/damage to these trees, and any future decisions made in relation to them is a civil matter between the neighbouring parties.

Reason: To ensure the protection and retention of neighbouring property trees.

Stockpiling of Topsoil

During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.

Reason: To ensure protection and retention of the Urban Forest/Natural Environment.

Arborist Recommendations to be Implemented

As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Growing My Way - Kyle Hill, dated September 2017 are required to be complied with before and throughout the development period, particularly with regard to the following:

- a) Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
- b) Where specified, tree guards are to be provided to all trees as indicated in the report, and

are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;

- c) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
- d) Signage is to be erected advising all contractors and visitors to the site that no works or storage is to take place within the calculated Tree Protection Zone (TPZ) of existing trees.

Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

Tree numbers T34 & T35 of this report are to be retained and protected (contrary to report recommendations). All excavation is to be a minimum 3m from the base of the stem of these trees.

Reason: To ensure the retention of the Urban Forest/Natural Environment and remain consistent with approved reports.

Tree Protection Zone Fencing to be Certified

Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report authored by Growing My Way - Kyle Hill, dated September 2017 are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites.

Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate.

Reason: To protect and retain trees proposed for retention.

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

Documentation of Arborist Site Supervision Required

Documented evidence of a qualified arborist supervising the works in proximity to trees being retained and ensuring that all tree protection measures as specified in the supplied arborist report and for T34 & T35 is required. This documentation is to be provided prior to the issue of the Occupation Certificate.

Reason: To ensure the retention of the Urban Forest/Natural Environment.

Tree Protection to be Certified by Arborist

Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report by Growing My Way - Kyle Hill, dated September 2017 are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Additionally the project Arborist is to specify protection measures required for T34 and T35 prior to works commencing. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate. Documented evidence of a qualified arborist having supervised the works in proximity to trees being retained and ensuring that all tree protection measures are adopted as specified in the approved arborist report is required. This documentation is to be provided prior to the

issue of the Occupation Certificate.

Reason: To ensure the retention of the Urban Forest/Natural Environment.

Installation of Nest Boxes

Nest boxes are to be installed as per recommendations within the submitted Ecological Impact Assessment authored by Nala Environmental Pty Ltd, dated December 2017 specifically but not limited to section 4.5.1. Nest box installation is to be certified by an Ecological Consultant / Project Ecologist as being complete and adequate.

Reason: Wildlife habitat replacement.

Practical Completion of Landscape Works

A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to the Principal Certifying Authority with the Occupation Certificate application. This report is to certify that all landscape works have been completed in accordance with the landscape working drawings and specifications.

Reason: To ensure landscaping is adequate and consistent with approved plans.

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.

Landscape Maintenance Strategy

Landscape working drawings and specifications are to incorporate a landscape maintenance strategy for the owner/occupier to administer over a 24 month establishment period (or supplied separately). This strategy is to address maintenance issues such as irrigation, soil testing, weeding, plant staking, fertilising, pest and disease control, replanting, remedial pruning and the like.

Further, provision is to be made for the landscape designer to visit the site on a six (6) monthly basis from the date of issue of the Occupation Certificate. After the final inspection, the landscape designer is to issue a report to the owner/occupier certifying that all plant material is healthy and performing to expectation. A copy of this report is to be forwarded to the Accredited Certifier or Council.

Reason: To ensure landscaping is adequate, consistent with approved plans and will thrive.

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.

Control of Domestic Dogs

Domestic dogs are to be kept from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: Wildlife protection.

Fencing for Wildlife Passage

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

Landscape Plan to be Implemented

Landscaping is to be implemented in accordance with the approved Landscape Plan authored by Casey Brown Architect, drawing no. SD2.00 Revision D dated 15 December 2017. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.

Reason: To ensure the site is landscaped.