

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0881
Responsible Officer	Rhiannon McLardy
Land to be developed (Address):	Lot E DP 404485 , 1742 Pittwater Road BAYVIEW NSW 2104 Lot 4 DP 455969 , 1742 Pittwater Road 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

This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.7 Pittwater Spotted Gum EEC.

The proposal is for the demolition of the existing swimming pool, construction of a new swimming pool, boatshed, ramp and replacement seawall. The site contains large native canopy trees with a mown lawn understorey. The SEE and Arborist report provide supporting evidence to demonstrate that impacts to trees have been avoided and minimised throughout the design process.

The submitted Arboricultural Impact Assessment report (Urban Forestry Australia August 2019) assesses 7 Spotted Gum *Corymbia maculata* trees. One tree, T2 is proposed for removal. This tree is displaying symptoms of *Armillaria luteobubalina* and it considered to have low retention value. The removal of this tree must be undertaken in accordance with strict hygiene protocols to minimise the chance of spreading *Armillaria luteobubalina* fungus. The remaining trees are to be retained and protected throughout demolition and construction works.

Council's Natural Environment - Biodiversity section raises no issues subject to conditions, including at least one replacement canopy tree planting.

I defer assessment of B4.16, B4.19, B4.4.20 to Council's Coast and Catchments team.

Referral Body Recommendation

Recommended for approval, subject to conditions

Recommended Natural Environment Conditions:

DA2019/0881

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

Prepare a Hygiene Protocol

A Hygiene Protocol is to be prepared by the Project Arborist to minimise the risk of spreading soil-borne pathogens such as *Armillaria* sp. (identified onsite) and others such as *Phytophthora cinnamomi* during tree removal and soil excavation works.

The protocol is to be written in accordance with industry standards including government guidelines “Arrive Clean Leave Clean” and the most up-to-date scientific advice for preventing the spread of *Armillaria* sp.. More information can be found on the Royal Botanic Garden website.

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

Reason: To prevent the spread of pathogens which protects natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Implementation of the Hygiene Protocol

The Project Arborist is responsible for providing a site induction to all tree removal and demolition and construction staff to ensure staff are aware of the soil pathogens and are implementing the Hygiene Protocol.

The Project Arborist must undertake direct supervision of tree removal to ensure contaminated organic matter is disposed of appropriately to minimise the spread of the pathogen.

Details demonstrating compliance with the Hygiene Protocol during construction is to be prepared by the Project Arborist, including photographic evidence, and submitted to the Principal Certifying Authority.

Reason: To prevent the spread of pathogens which protects natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

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

New vegetation planting

Prior to the issue of any Occupation Certificate, evidence that the new vegetation planting comprises a minimum of 80% locally native vegetation species (as per species listed in the Native Gardening Booklet available on Councils website) is to be provided to the Principal Certifying Authority.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

Certification of the Hygiene Protocol

The Project Arborist is responsible for certifying that the Hygiene Protocol was implemented throughout construction.

Details demonstrating compliance with the Hygiene Protocol during construction is to be prepared by

the Project Arborist, including photographic evidence, and submitted to the Principal Certifying Authority prior to issue of Occupation Certificate.

Reason: To prevent the spread of pathogens which protects natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

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

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.

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.