

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0128
Responsible Officer	Danielle Deegan
Land to be developed (Address):	Lot 3 DP 1170985 , 24 Chisholm Avenue AVALON BEACH NSW 2107

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 under Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP Clause B4.7 Pittwater Spotted Gum. The site is also mapped as Pittwater Spotted Gum (PSG) Endangered Ecological Community (EEC) within the SMCMA V3 mapping (OEH 2016).

The specific LEP and DCP control objectives to be complied with:

The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

Development shall restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants.

Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community).

Development shall ensure any landscaping works are outside areas of existing Pittwater Spotted Gum Endangered Ecological Community and do not include Environmental Weeds.

Council's Natural Environment - Biodiversity section supports the application, subject to conditions.

Detailed comments

The proposal is for the demolition of the existing dwelling and the construction of a new dwelling including 2 car garage and associated lift, driveway, and new watertank associated with the existing OSD. Extensive excavation will be carried out within the hillside which includes the garage and lift system. The proposed development is largely located within the footprint of the existing dwelling. The site's vegetation currently consists of large native canopy trees with a mixed understorey of mostly exotic species.

The Arboricultural Impact Assessment report (Urban Forestry Australia, Feb 2019) assessed 44 trees.

The proposal will remove 3 large native trees (T17 *Angophora costata*, T30 *Eucalyptus punctata*, T31 *Corymbia gummifera* [dead]) and 2 exempt trees T27 *Pittosporum undulatum* and T41 *Grevillea robusta*. The Arborist Report also states that an additional 5 large native trees will be subject to major (>10% encroachment) within their Tree Protection Zones (T1 *Angophora costata*, T16 *Angophora costata*, T34 *Eucalyptus punctata*, T40 *Angophora costata*, T42 *Eucalyptus paniculata*).

The Flora and Fauna Impact Assessment and Biodiversity Management Plan combined report (Ecological Consultants Australia Pty Ltd, March 2019) assesses the impacts of the proposed development on PSG EEC and provides biodiversity management actions. This report found that PSG EEC occurs onsite as well as habitat, including hollow-bearing trees, for threatened species such as the Powerful Owl and microbat species. Formal Assessments of Significance were conducted for PSG EEC, Powerful Owl and threatened microbat species, all concluding that the proposal is not likely to significantly affect these threatened entities.

The submitted Landscape Plan indicates 4 large native replacement tree plantings and areas are labelled as "new native planting" to the east, south and west of the new proposed dwelling. The area to the north of the proposed dwelling is labelled as "retain and regenerate existing lawn terrace - non-native planting 100m²". No other plantings species or quantities has been specified.

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

Installation of Nest Boxes

A minimum of 2 nest boxes suitable for threatened microbats are to be installed in the retained trees throughout the retained vegetation. The Project Ecologist must specify the location so that they are installed as per industry standard, at an appropriate height and aspect, as well as being location away from artificial night light.

A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls (DACNECPCC1)

Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the Flora and Fauna Impact Assessment and Biodiversity Management Plan combined report (Kingfisher Ecology a.k.a. Ecological Consultants Australia Pty Ltd, dated February 2019).

The Project Ecologist must have one of the following memberships/accreditation,

- Practising member of the NSW Ecological Consultants Association OR

- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Employment of a project ecologist is to be certified in writing by the Principal Certifying Authority Prior to issue of Construction Certificate.

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

Compliance with Arborist's Recommendations – Pre-construction

All pre-construction tree protection measures specified in the submitted arborist report and these conditions of consent are to be implemented at the appropriate stage of development.

The existing driveway is to be the construction access. There is an additional tree that has not been assessed, one large *Angophora costata*, immediately adjacent to the right of the driveway within Council's road reserve, which will require trunk protection throughout construction to ensure no trunk damage by construction machinery.

Compliance with pre-construction measures including tree protection is to be certified by the project arborist in writing including photographic evidence prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls. (DACNECPCC2)

Preparation of Landscape Plans

Detailed Landscape Plans are to be prepared and certified by a qualified landscape architect, arborist or ecologist and are to include the following:

- the location of existing trees and vegetation to be retained, removed and/or planted. The structural root zone (SRZ) and tree protection zone (TPZ) of all existing trees should be indicated in accordance with Arboricultural Impact Assessment (Urban Forestry Australia, February 2019).
- A planting schedule in accordance with PDCP B4.7 control, at least 80% plants used in the landscaping for this development must be local native species as per the Pittwater Spotted Gum species list published by the SMCMA v3 (OEH 2016). The planting schedule is to specify details including stratum, species/common names, quantities, pot sizes and staking details.
- The proposed finished treatment of garden areas, including soil depth and the location of retaining walls and underground services.
- Provision of replacement tree plantings of 2 *Angophora costata* and 2 *Corymbia maculata* as per submitted plans

The Landscape Plan species list is to be certified by the Project Ecologist and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree and Vegetation Removal to be supervised by the Project Ecologist

All tree proposed for clearing are to be inspected by the project ecologist prior to removal. Inspection of tree hollows is to be facilitated by a qualified and experienced tree climber or arborist with the use of an elevated work platform where necessary. The Project Ecologist is to be physically present onsite to

supervise approved tree removal.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of tree removals.

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls. (DACNEDPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Arborist's Recommendations – During Construction

All tree protection measures to be implemented during construction, as specified in Section 3.2 *Minimising Impacts to Trees to be Retained*, Section 3.3 *Tree Protection*, Section 3.4 *Arboricultural advice* of the submitted arborist report and these conditions of consent are to be implemented at the appropriate stage of development and supervised by the Project Arborist.

The Arborist report provides comprehensive tree-specific protection measures which must be adhered to throughout construction.

The Arborist must be present to supervise the installation of the new proposed watertank, which is to be integrated into the existing OSD system.

Compliance with these measures is to be certified by the project arborist in writing, including photographic evidence, prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls. (DACNEEDW1)

Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction, as specified in Section 7 of the approved Flora and Fauna Impact Assessment and Biodiversity Management Plan combined report and these conditions of consent, particularly bush regeneration and weed removal within Pittwater Spotted Gum EEC.

Compliance with these measures is to be certified by the project ecologist in writing to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls. (DACNEEDW2)

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

Compliance with Arborist's Recommendations – Post-construction

All tree protection measures to be implemented, as specified in the submitted arborist report and these conditions of consent are to be implemented at the appropriate stage of development.

Satisfactory establishment/initiation of post-construction measures is to be certified by the Project Arborist in writing including photographic evidence prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls. (DACNEFPOC1)

Compliance with Ecologist's Recommendations – Post Construction

All biodiversity-related measures are to be implemented at the appropriate stage of development, as specified in the approved Flora and Fauna Impact Assessment and Biodiversity Management Plan combined report and these conditions of consent.

Satisfactory establishment/initiation of post-construction measures is to be certified by the project ecologist prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

Certification of Landscape Plan and tree plantings

Landscaping is to be implemented in accordance with the approved Landscape Plans and these conditions of consent.

The new landscaping is to be certified as complete and in accordance with approved Landscape Plans and these conditions of consent by the project arborist or project ecologist prior to issue of any Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls. (DACNEFPOC2)

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.

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 (DACNEGOG1)**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.

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.