

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0624
<b>Responsible Officer</b>	Ashley Warnest
<b>Land to be developed (Address):</b>	Lot 23 DP 9242 , 2163 Pittwater Road CHURCH POINT 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

#### Updated comments 30/07/2019

An Arboricultural Impact Assessment & Tree Protection Plan (All Arbor Solutions, 23/07/2019) was provided to support the application. This report states, "*The proposed secondary dwelling and access footpath overlay the protection zone of the tree by 19%. However, the encroachment is reduced through the use of pier type footings.*". This report provides recommendations to ensure the safe retention and protection of T1, *Melaleuca quinquenervia*.

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

#### Original comments 28/06/2019

This application has been assessed against Pittwater LEP Clause 7.6 and Pittwater DCP B4.7 Pittwater Spotted Gum EEC. Any development application must consider proposal options which are compliant with applicable Pittwater LEP and DCP controls, specifically:

- 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).

The proposal is for a secondary dwelling in an already cleared area of the property. No native trees or vegetation are proposed for removal which is supported. However, at least 1 large native tree is within 5m of the proposed works, including excavation for the southwestern corner of the proposed dwelling.

Council's Natural Environment - Biodiversity section cannot complete its assessment until further information is provided.

To comply with biodiversity controls the following information is required:

- A tree survey and Arborist Report indicating location, species, health and size of all trees within 5m of proposed development. Clearly indicating all trees that may be impacted on as a result of the development. This report must be prepared by a minimum AQF level 5 qualified Arborist. The report must assess all impacts of the works including excavation, and installation of utilities and trenching for stormwater.
- Updated Landscape Plan indicating a planting schedule and species list that complies with controls.

### **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**

### **Compliance with Arborist's Recommendations – Pre-construction**

All pre-construction tree protection measures specified in Section 4 and all Appendices of the submitted arborist report and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with pre-construction measures is to be certified by the project arborist and details submitted to the Principal Certifying Authority 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.**

### **Engage a Project Arborist**

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and direct supervision all works within 5m of significant trees.

Evidence demonstrating Project Arborist engagement is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

**Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.**

## **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 4 and Appendices of the submitted arborist report and these conditions of consent are to be implemented at the appropriate stage of development.

The Project Arborist is to undertake direct supervision of all soil excavation within the Tree Protection Zone of Tree 1. All excavation is to be hand-digging only. The Project Arborist must also undertake direct supervision of any required root pruning.

Compliance with these measures is to be certified by the project arborist in writing, including

photographic evidence, and details submitted to the Principal Certifying Authority 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.**

**No Material Storage within 5m/calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m or the notional TPZ of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

**Reason:** To protect and retain trees proposed for retention.

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

**Compliance with Arborist's Recommendations – During and Post-construction**

All tree protection measures to be implemented, as specified in Section 4 and Appendices of the submitted arborist report and these conditions of consent are to be implemented at the appropriate stage of development.

The Project Arborist is to undertake direct supervision of all soil excavation within the Tree Protection Zone of Tree 1. All excavation is to be hand-digging only. The Project Arborist must also undertake direct supervision of any required root pruning.

Completion of arborist requirements and satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist and details submitted to the Principal Certifying Authority 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.**

**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.**

**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](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

**Reason:** Weed management.

**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.

**Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering adjacent properties at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

**Reason:** Wildlife protection.