

Natural Environment Referral Response - Biodiversity

Application Number:	DA2018/1816
Responsible Officer	Ashley Warnest
Land to be developed (Address):	Lot 12 DP 1014199 , 102 Wakehurst Parkway ELANORA HEIGHTS NSW 2101

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 application has been assessed against the Pittwater LEP 7.6, and DCP B4.4.

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

The development site is subject to the following Pittwater 21 DCP Natural Environment clause, B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor which states:

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

The proposal plans show 4 trees to be removed, one large Cabbage Tree Palm (*Livistona australis*) and 3 others which are exempt species under the DCP. During the site visit several other trees were noted on the neighbouring property to the west at number 104, which are within 5m of the proposed driveway, including one large Eucalypt located behind a large sandstone boulder in the rear, and one large Cabbage Tree Palm (*Livistona australis*) south of the existing building. To satisfy B4.4, an Arboricultural Impact Statement including a Tree Protection Plan is required prior to issue of Construction Certificate to provide certainty on the safe retention of trees proposed for retention within 5m of works and tree protection measures to be implemented during construction.

The large Cabbage Tree Palm (*Livistona australis*) proposed for removal is located within the new proposed lot, in an area where it not considered necessary to remove as part of this DA (subdivision). If the Cabbage Tree Palm (*Livistona australis*) is removed, it must be replaced by planting at least 2 advanced Cabbage Tree Palm (*Livistona australis*) somewhere suitable onsite, or alternatively:

- The existing Cabbage Tree Palm (*Livistona australis*) can be translocated elsewhere within the property by a suitably qualified and experienced Arborist, or;
- Retain the Cabbage Tree Palm (*Livistona australis*) for DA (subdivision), and consider any proposed impacts at DA (new dwelling) stage.

to the Certifying Authority prior to issue of the Construction Certificate.

Arboricultural Impact Statement

An arborist's report which identifies the location, species, health and size of all trees within 5m of the proposed development and meets the following requirements:

- Prepared by a suitably qualified arborist (minimum AQF Level 5);
- Developed based on the actual plans and documentation submitted in support of the DA;
- A tree protection and management plan with general and/or specific tree protection measures to enable safe retention of all trees proposed for retention.

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

Large Cabbage Tree Palm (*Livistona australis*) proposed for removal

The large Cabbage Tree Palm (*Livistona australis*) proposed for removal must be replaced by planting at least 2 advanced Cabbage Tree Palm (*Livistona australis*) somewhere suitable onsite, or alternatively:

- The existing Cabbage Tree Palm (*Livistona australis*) can be translocated elsewhere within the property by a suitably qualified and experienced Arborist, or;
- Retain the Cabbage Tree Palm (*Livistona australis*) for DA (subdivision), and consider any proposed impacts at DA (new dwelling) stage.

Details of the decision regarding the large Cabbage Tree Palm (*Livistona australis*) is to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure mitigation of tree removal (DACNECPCC1)

Protection of Trees During Works - Arborist statement and Tree Protection Plan Required

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during any vegetation clearing, demolition, excavation and construction on the site.

To satisfy B4.4, an Arboricultural Impact Statement including a Tree Protection Plan is required prior to issue of Construction Certificate to provide certainty on the safe retention of trees within 5m of works and tree protection measures to be followed during construction. If any additional significant canopy trees are proposed for removal, a 3:1 ratio of replacement canopy tree planting is required.

Arboricultural Impact Statement

An arborist's report which identifies the location, species, health and size of all trees within 5m of the proposed development and meets the following requirements:

- Prepared by a suitably qualified arborist (minimum AQF Level 5);
- Developed based on the actual plans and documentation submitted in support of the DA;
- A tree protection and management plan with general and/or specific tree protection measures to enable safe retention of all trees proposed for retention.

The arborist's report and details of protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

All tree protection measures are to be in accordance with as per Australian Standards AS 4970—2009

Reason: To ensure compliance with the requirement to retain and protect trees on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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 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.

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

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

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.