

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2022/0512
Date:	28/11/2022
Responsible Officer	Michael French
Land to be developed (Address):	Lot 2 DP 221631 , 78 Hudson Parade CLAREVILLE 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

Biodiversity Referral (28 November 2022)

These updated referral comments are based on submitted arboricultural advice (Standfast Tree Services, 22 November 2022). The arboricultural assessment indicates that additional tree protection measures are now required in order to retain the trees, as required under previous consents. Support for the proposed modification is therefore subject to implementation of the arborist's recommendations.

Biodiversity Referral (16 November 2022)

Additional information is required in order to complete the biodiversity referral. The proposed works are within close proximity to Trees 34 and 29, which are required under the existing consents to be retained and protected. A statement or report by a minimum AQF Level 5 arborist must be submitted, which demonstrates whether/how all prescribed trees on the site and adjoining sites will be safely retained. Assessment of the modification against applicable biodiversity controls will recommence upon receipt of this information.

In addition, the applicant should note that portions of the property have been added to the NSW Government's Biodiversity Values Map (BV Map) since the original development consent. Under the NSW Biodiversity Conservation Act 2016, any proposal to impact native (to NSW) vegetation within the BV Map area will trigger entry into the Biodiversity Offsets Scheme (BOS), the requirement for a Biodiversity Development Assessment Report (BDAR) and potentially a biodiversity offset credit obligation. If the proposed modification will result in impacts to native vegetation on the BV Map, entry into the BOS will be triggered and a BDAR will also be required.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected including:

- i) all trees and vegetation within the site not approved for removal
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

Implementation of Tree Protection Measures

All measures listed under 'Conclusions/Recommendations' of the submitted arboricultural assessment (Standfast Tree Services, 22 November 2022) must be fully implemented during the construction phase. Compliance with this condition is to be certified by the Project Arborist and written evidence provided to the Principal Certifying Authority prior to the Occupation Certificate.

Reason: To retain prescribed native trees not approved for removal

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

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.