

Natural Environment Referral Response - Biodiversity

Application Number:	DA2020/1331
Date:	14/01/2021
Responsible Officer	Kelsey Wilkes
Land to be developed (Address):	Lot 8 DP 26254 , 128 Wallumatta Road NEWPORT NSW 2106

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

Council's Bushland and Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:

Biodiversity Conservation Act 2016 (BC Act)

Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

Pittwater Development Control Plan (PDCP)

- B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

The application seeks to remove three (3) exempt trees (EziGrow 2020):

- Tree 13: *Pittosporum undulatum* (under 8m height)
- Tree 20: *Pittosporum undulatum* (under 8m height)
- Tree 21: *Pittosporum undulatum* (under 8m height)

The Bushland and Biodiversity referral team is supportive of the current design which retains all existing prescribed trees within the site.

It is noted that the proposed dwelling and entry boardwalk require pier holes to be dug within the Tree Protection Zones (TPZ) of several high value or prescribed trees (24 in total) referenced in Table 1 of the Arboricultural Impact Appraisal and Method Statement (EziGrow 2020).

Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.

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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

No Clearing of Vegetation

Unless otherwise exempt, or approved as a part of this consent, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

Pre-clearance Survey

A pre-clearance survey, including targeted flora searches are to be undertaken by the Project Ecologist prior to any vegetation removal.

A native understorey with high species richness was noted by Council's Officer when inspecting the site. A single record of the Critically Endangered shrub, *Rhodamnia rubescens* also occurs within the site.

If any *Rhodamnia rubescens* is identified within the site it should be reported to Council's Bushland and Biodiversity team for advice.

Details demonstrating compliance are to be prepared by the Project Ecologist and submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect threatened flora.

Amendment of Landscape Plans

The submitted Landscape Plan (Jamie King 2020) is to be amended in accordance with the following:

- Proposed plantings are to be comprised of at least 80% species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing>

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure compliance with DCP B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community including the requirement to retain and protect significant planting on the site.

Adherence to Arborist Recommendations

All tree protection measures as recommended within the submitted Arboricultural Impact Appraisal and

Method Statement (EziGrow 2020) are to be adhered to, including hand excavation only while working within any Tree Protection Zones.

Details demonstrating compliance must be prepared by the Project Arborist and submitted to the Principal Certifying Authority prior to any commencement.

Reason: To protect biodiversity values.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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 protect native wildlife.

Temporary Protection Fencing – Exclusion Zones

Prior to the commencement of any works onsite, temporary mesh construction fencing is to be erected surrounding areas of retained native vegetation on the site in addition to Tree Protection Fencing as recommended by the submitted Arboricultural Impact Appraisal and Method Statement (EziGrow 2020).

Details demonstrating compliance must be prepared by the Project Arborist and submitted to the Principal Certifying Authority prior to any commencement.

Reason: To protect native vegetation.

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 are to be imported on to the site prior to or during construction works.

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

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

Priority Weed Removal and Management

All Priority weeds within the development footprint are to be removed and disposed of within a licensed facility.

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

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