

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0998
Responsible Officer	Kye Miles
Land to be developed (Address):	Lot 22 DP 219898 , 14 Capua Place 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

Updated comments 05/11/2019

The applicant has provided an updated Site Plan / Landscape Plan (Rosso Design 30/10/19) which shows replacement canopy trees.

Council's Natural Environment - Biodiversity section raises no objections, subject to conditions.

Original comments 14/10/2019

This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.4 Flora and fauna habitat enhancement category 2 and wildlife corridors.

The proposal is for the alterations and additions to the existing dwelling, including a new detached double garage, a small secondary dwelling below the existing dwelling and associated retaining walls and external stairs.

The submitted Arborist Report "*Arboricultural Impact Appraisal and Method Statement*" (Naturally Trees, 03/06/2019) assessed 11 trees within the vicinity of the works. The proposal will remove 2 high category trees and could potentially adversely affect another 7 high category trees through disturbance within Tree Protection Zones (TPZ). Another 2 low category trees are proposed to be removed.

To comply with natural environment controls, a Landscape Plan is to be submitted which indicates the locations and species of replacement canopy trees (minimum replacement at a ratio of 1:1). Further photographs / site inspection to investigate the habitat value of the trees to be removed will also be required.

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

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

Engage a Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with these conditions of consent.

The project ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR

- Biodiversity Assessment Method Accredited Assessor under the NSW Biodiversity Conservation Act 2016 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Hollow Inspection by Ecologist

All tree hollows 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 tree climber or arborist with the use of an elevated work platform where necessary. The Project Ecologist is to provide written certification of compliance to the Principal Certifying Authority prior to commencement of tree removals.

Reason: To protect native wildlife in accordance with Sections 2.1 and 2.4 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls.

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

Protection of Habitat Features – Certified by Ecologist

All natural landscape features, including rock outcrops, native vegetation, and soil, are to remain undisturbed except where affected by necessary works detailed on approved plans. Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

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

New Vegetation Planting

Prior to the issue of any Occupation Certificate, evidence that the new landscaping comprises a minimum of 60% locally native vegetation species as a proportion of the total number of plants is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

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.

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.

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 wildlife habitat areas 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