

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0457
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot A DP 383227 , 4 Irrubel 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

Updated comments 12/08/2019

The applicant has provided an Addendum Report to the Arboricultural Impact Assessment (Complete Arborcare, 08/08/2019) and a Raft Slab and Footing Plan (GZ Consulting Engineers 19/07/2019). The Addendum Report satisfies the requirements as per Section 3.3.4 TPZ encroachment Considerations AS4970-2009.

The Addendum Report includes further assessment of impacts to T3 resulting from the proposed paved terraces and deck pier impacts to T4 - T7, including proposed pier root investigation. The Arborist has recommended the deletion of the paved terrace to the south of T3, and replace with *"make good existing retaining wall where necessary and maintain existing ground levels during soft landscaping within TPZ's (T2 & T3) of trees to be retained."* The location of the proposed retained wall north of T3 was investigated via a hand-dug trench. Only woody and non-woody roots <20mm in diameter were observed within the top 300mm of the trench, hence the Arborist expects no adverse impacts resulting from the proposed retaining wall. All five proposed deck pier locations were hand dug to investigate for roots and *"No woody roots >20mm in diameter were found during the investigative excavation"*. The Arborist has provided recommendations for stepping stone / pathway and soft landscaping within the TPZ of trees to be retained.

As per the Arborist recommendations, the western paved terrace, south of T3, is to be deleted from the proposal plans which will be conditioned as part of the consent.

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

Original comments 19/06/2019

This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.6 Wildlife corridors.

The proposal is for the alterations and additions of the existing dwelling including extensions, new

decks/terraces, new hydrotherapy pool, alterations to the carport and garage. The site contains 7 *Corymbia maculata* Spotted Gum trees, none are proposed for removal, however 5 will incur major encroachments into their Tree Protection Zones (TPZ) and some encroachment into the Structural Root Zones (SRZ).

The submitted Arboricultural Impact Assessment report (Complete Arborcare - authored by Colin Curtis, dated 3/3/2019), whilst broadly detailing the level of encroachment of subject site trees, does not adequately consider nor demonstrate how the proposal can be supported (as per Section 3.3.4 TPZ encroachment Considerations AS4970-2009).

The Arboricultural Report states *major* encroachment (as per AS4970-2009) is proposed for trees numbered T3, T4, T5, T6 & T7. Works are also proposed within the SRZ of these trees, the suggested broad statement to carry out root mapping on these trees is inadequate. Indiscriminate root mapping on T3-T7 cannot occur without detriment to the trees.

Consideration of tree sensitive construction measures (such as cantilevered/suspended slabs for the proposed terracing around T3) and specific documented investigative hand excavation of proposed pier location sites in relation to trees T4-T7 for the deck piers - to be directly supervised or undertaken by minimally qualified AQF Level 5 Arboriculturist, discussion on methods of installation for proposed pathways, stepping stones and landscaping features within the TPZ of trees to be retained is required.

Council's Natural Environment - Biodiversity section cannot complete its assessment until further information, detailed above, is provided to gain a thorough understanding of the impacts on trees to be retained.

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 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 in accordance with the Arboricultural Impact Assessment report (Complete Arborcare, 3/3/2019) and as amended by Addendum Report to the Arboricultural Impact Assessment (Complete Arborcare, 08/08/2019).

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 the Arboricultural Impact Assessment report (Complete Arborcare, 3/3/2019) and as amended by Addendum Report to the Arboricultural Impact Assessment (Complete Arborcare, 08/08/2019) and these conditions of consent are to be implemented at the appropriate stage of development. 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 the Arboricultural Impact Assessment report (Complete Arborcare, 3/3/2019) and as amended by Addendum Report to the Arboricultural Impact Assessment (Complete Arborcare, 08/08/2019) and these conditions of consent are to be implemented at the appropriate stage of development.

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.

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

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.