

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0326
Responsible Officer	Kye Miles
Land to be developed (Address):	Lot 2 DP 504480 , 2 / 0 Spicer Road OXFORD FALLS NSW 2100

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 31/07/2019

The applicant has submitted a letter from the bushfire consultant (Firebird EcoSultants Pty Ltd, 30/07/2019) which states, "*It is noted that no removal of native trees or canopy species will need to be removed for the proposed development.*"

No information was provided regarding if any prescribed trees would be impacted adjacent the proposed shed and stormwater infrastructure. All prescribed trees are to be retained and protected under direct supervision of an appointed Project Arborist. If this is not possible a tree permit may be required.

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

Original comments 17/06/2019

This application was assessed under Warringah LEP 2000 clauses 56 Retaining unique environmental features and 58 Protection of existing flora..

The proposal is for a new shed located within an already disturbed part of the property. The Bushfire report (Firebird ecoSultants Pty Ltd) states, "*The areas of the site not built on should be managed as an Inner Protection Area (IPA) in accordance with the NSW RFS document 'Standards for Asset Protection Zones' and Appendix 2 of PBP.*". There is an already approved 32m APZ for the existing dwelling. Under the PBP 2006, Council understands, shed's do not require an APZ.

There are native trees within the property and impacts to trees have not been assessed for establishment of any proposed IPA. The sites' vegetation connects to other areas of native vegetation, known to be habitat for threatened flora and fauna.

Council's Natural Environment - Biodiversity section cannot support the application due to insufficient information.

Information required to comply with controls

- Clarification from the Bushfire consultant whether any existing native trees or vegetation are required to be removed/pruned for the installation of a shed (and justification for the IPA if required). If any native trees or vegetation are proposed to be removed or impacted, detailed information must be provided. Depending on the level of impact, this may be in the form of a Tree Removal/Retention plan and schedule prepared by a qualified Arborist, or an assessment report prepared by a qualified Ecologist.

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 and preparation of a tree protection plan

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 and direct supervision all works within 5m of significant trees.

A Tree protection Plan, prepared by a minimum AQF level 5 Arborist, shall be issued to the Certifying Authority documenting the extent and alignment of tree protection measures for all existing prescribed trees within 5 metres of the proposed secondary dwelling. All tree protection measures is to be in accordance with AS4970-2009.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Protection of Trees During Works - Certified by Project Arborist

All prescribed trees are specifically nominated to be retained and as a requirement of the development consent shall be maintained and protected during any vegetation clearing, demolition, excavation and construction on the site. All tree protection measures are to be in accordance with Australian Standards AS 4970—2009 'Protection of Trees on Development Sites'.

A certificate demonstrating compliance must be prepared by the project arborist and submitted to the Principal Certifying Authority prior to commencement of any works on the site.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

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

Protection of Trees To Be Retained

All existing trees and trees on adjoining lands (except exempt trees) which are not approved for removal are to be retained and protected. The following general tree protection measures are to be complied with at all times:

- no tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by the project arborist;
- all structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the project arborist;
- all tree protection measures are to be in accordance with AS4970-2009 'Protection of Trees on Development Sites';
- all tree pruning within the subject site is to be in accordance with AS 4373-2007 'Pruning of Amenity Trees' and AS4970-2009 'Protection of Trees on Development Sites';
- all tree protection measures are to be in place prior to commencement of works.

Compliance with this condition is to be certified by the project arborist prior to issue of the Occupation Certificate.

Reason: To protect trees proposed for retention in accordance with biodiversity 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.

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.

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.

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

Fencing for Wildlife Passage

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors