

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0348
<b>Responsible Officer</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 1 DP 27540 , 23 Wollombi Road BILGOLA PLATEAU 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

I have reviewed the Statement of Environmental Effects, Arborist Report and Bush Fire Hazard Assessment and provide the following comments. The SEE fails to address clause 11 Development on land in proximity to coastal wetlands or littoral rainforest of the Coastal Management SEPP.

The following planning provisions are relevant including the Coastal Management SEPP, Pittwater LEP 2014 clause 7.6 (Biodiversity) and P21 DCP controls related to Flora and Fauna, Wildlife Corridors and Landscaped area.

A site inspection was conducted to assess the site and investigate a recent tree removal. The owners advised that the tree was removed under the 10/50 Code which does apply to the property. The potential impacts of the development on the adjacent Littoral Rainforest community located within the council reserve was assessed. Based on the plans submitted and site visit, the development will be

- designed, sited and will be managed to avoid any significant adverse environmental impact,
- will not significantly impact on:

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

- located in the area of least impact on existing bushland and or the wildlife corridor and where there will be no net loss of existing bushland.

Recommended for approval, subject to conditions

**Recommended Natural Environment Conditions:**

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION  
CERTIFICATE**

**Landscaping**

All plants used in the landscaping for this development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and should not include environmental weeds.

No Grevillea or Banksia hybrids are to be used in the landscaping for this development. Plans are to be amended and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Biodiversity conservation and management

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**Tree Protection - Arborist Supervision of Works**

All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and minimally AQF Level 5 qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

**Reason:** To ensure protection and retention of the Urban Forest/Natural Environment.

**Arborist Recommendations to be Implemented**

As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Peake Arboriculture, dated 1st April 2019 are required to be complied with before and throughout the development period, particularly with regard to the following:

- a) Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
- b) Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
- c) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
- d) Signage is to be erected advising all contractors and visitors to the site that no works or storage is to take place within the calculated Tree Protection Zone (TPZ) of existing

trees.

Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

**Reason:** To ensure the retention of the Urban Forest/Natural Environment and remain consistent with approved reports.

#### **Tree Protection Zone Fencing to be Certified**

Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report Peake Arboriculture are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites.

Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate.

**Reason:** To protect and retain trees proposed for retention.

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

#### **Weed Removal and Management**

No weeds are to be imported on to the site.

All invasive and priority weeds on the site are to be removed and managed continuously, in accordance with the Biosecurity Act 2015.

Details demonstrating the removal and management of weeds are to be prepared by the project ecologist in writing and submitted to the Principal Certifying Authority prior to occupation certificate.

**Reason:** Weed management and biosecurity

#### **Documentation of Arborist Site Supervision Required**

Documented evidence of a qualified arborist supervising the works in proximity to trees being retained and ensuring that all tree protection measures as specified in the supplied arborist report is required. This documentation is to be provided prior to the issue of the Occupation Certificate.

**Reason:** To ensure the retention of the Urban Forest/Natural Environment.

#### **Certification of Landscaping Works**

A certificate is to be submitted to the Principal Certifying Authority with the Occupation Certificate application by a qualified practicing landscape architect, landscape/environmental designer or horticulturalist, certifying that the proposed automatic watering system and/or subsoil drainage and any associated waterproofing membrane have been installed in accordance with details shown on the approved landscape working drawing and/or the manufacturers specification.

**Reason:** To ensure landscaping is viable, consistent with approved plans and will thrive.

### **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](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.

#### **Landscape Plan to be Implemented**

Landscaping is to be implemented in accordance with the approved Landscape Plan (**insert reference**). The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.

**Reason:** To ensure the site is landscaped.