

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0565
Responsible Officer	Thomas Prosser
Land to be developed (Address):	Lot 100 DP 1196629 , 129 Riverview Road 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

This application has been assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.7 Pittwater Spotted Gum EEC.

The proposal is for an incline lift from the existing house to the existing boatshed to increase accessibility within the property.

The submitted Arbortom Assessment and Risk Assessment report (The Ents Tree Consultancy, 28/07/2019) assesses one tree, T1 *Eucalyptus piperita*, and recommends removal due to structural faults in the tree. The Arborist undertook an Arbortom test and the report states, "*The Arbortom image (Appendix 1B), shows that the tree has lost between 19 & 34% of its structural strength at .2m above ground level.*" and "*The range that is acceptable is considered to be up to 30% strength loss. After that the structural integrity of the tree is in a range that is considered compromised (30-50%). Strength loss greater than 50% is considered unstable (Smiley & Coder).*"

The tree contains hollows and cavities which have the potential to be used by local native hollow-dependent fauna. A qualified Project Ecologist is to be engaged to undertake a pre-clearance survey on this tree and cavities prior to removal as per the Tree Removal Protocol. The survey must include stag-watch over 2 nights and, where possible, camera probing. The Project Ecologist must also undertake direct supervision of removal to rescue any fauna found during removal. All log hollows are to be retained onsite as habitat.

At least one replacement native canopy tree planting will be required to offset the removal of T1.

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

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

Preparation of a Tree Removal Protocol

The Project Ecologist is to prepare a brief Tree Removal Protocol which includes a pre-clearance survey, direct supervision of tree removal, protocol for rescue of fauna and re-location of log hollow sections onsite to provide habitat.

The pre-clearance survey must include stag-watch of hollows/cavities over 2 consecutive nights, immediately prior to tree removal, and, where possible, camera probing. The Tree Removal Protocol must also include a hold point where any threatened fauna species are found during the pre-clearance survey, and formal impact assessment will be required prior to tree removal.

The Tree Removal Protocol prepared by the project ecologist is to be submitted to the Principal Certifying Authority prior to issue of Construction Certificate.

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

Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and to prepare the Tree Removal Protocol.

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 assessor accreditation under the NSW *Biodiversity Conservation Act 2016*

Employment of a project ecologist is to be certified by 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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree Removal Protocol to be Implemented

Removal of native trees with cavities/hollows is to be undertaken in accordance with the protocols and recommendations specified in the approved Tree Clearing Protocol prepared by the Project Ecologist and these conditions of consent.

This includes the pre-clearance survey, direct supervision of tree removal and re-location of any salvaged log hollows in other vegetated areas on the site.

Details confirming compliance are to be certified by the project ecologist and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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

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

New vegetation planting

Prior to the issue of any Occupation Certificate, evidence that the new vegetation planting comprises a minimum of 80% locally native vegetation species (as per species listed in the Pittwater Spotted Gum Endangered Ecological Community) is to be provided to the Principal Certifying Authority.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

Tree Removal Protocol to be Certified as Completed

The Project Ecologist is to provide photographic evidence and written details regarding the implementation and completion of the approved Tree Removal Protocol to the Principal Certifying Authority prior to issue of Occupation Certificate.

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016 and 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.

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.

