

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0575
Responsible Officer	David Auster
Land to be developed (Address):	Lot 12 DP 25461 , 8 Bilkurra Avenue 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

Updated comments 15/10/2019

The applicant has provided an updated Arboricultural Impact Assessment (AIA) report (Michael Shaw, 11/09/2019) and a Root Investigation Statement (Naturally Trees 04/10/2019) which provides a re-assessment / correction of TPZ calculations and encroachments as well as root investigation along the proposed "approx. location of retaining wall" in accordance with AS4970-2009.

This information satisfies assessment and reporting requirements to ensure the retention and protection of T2, provided the proposed retaining wall is located in the same alignment as the root investigation trench, i.e. the excavation for the retaining wall is not to be within 5 m of the base of T2. Pruning of this specimen must be undertaken by a qualified Arborist in accordance with AS4373-2007 Pruning of amenity trees.

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

Original comments 03/09/2019

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

The proposal is for the construction of a new two-storey dwelling. One of only two native trees within the property proposed to be removed.

The submitted Arboricultural Impact Assessment report (Michael Shaw, 29/04/2019) has incorrectly calculated TPZ encroachment, which sits more at 15-16% for the tree proposed for retention (T2), thus into major encroachment category under AS4970.

The property is a large level block, and there is the potential for a minor design change (i.e. deletion of

retaining walls) which will result in reduced impacts to the tree proposed to be retained.

Conditions of consent will be imposed which requires deletion of the retaining wall and a Project Arborist to undertake the installation of tree protection measures and direct supervision of all ground works within the calculated Tree Protection Zone of T2.

No pruning of T2 was proposed. Any pruning of T2 will require separate approval.

The submitted Landscape Plan proposes plantings of 2 Tuckeroo trees which are a weedy species. An amended Landscape Plan will be conditioned which replaces this species with a locally native canopy tree species.

Council's Natural Environment - Biodiversity section supports the proposal, 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

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

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

Amend Proposal Plans

The Proposal Plans are to be amended. The word "approx." is to be deleted in association with the "Retaining wall by owner" to ensure the proposed retaining wall is located in the same alignment as the root investigation trench, i.e. the excavation extent for the retaining wall is not to be within 5 m of the base of T2.

Details are to be provided to the Principal Certifying Authority prior to issue of any Construction Certificate.

Reason: To ensure the safe retention and protection of T2 to be retained.

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.

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 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

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.

Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of 2 x Tuckeroo replacement plantings
- Replacement with at least 2 local native canopy tree plantings chosen from the following species; *Eucalyptus haemostoma*, *Angophora costata*, *Corymbia gummifera*, *Angophora floribunda*, *Eucalyptus robusta*

The amended Landscape Plan is to be certified by a qualified landscape architect, arborist or ecologist prior to issue of the Construction Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Compliance with Arborist's Recommendations – Pre-construction

All pre-construction tree protection measures specified in the submitted arborist reports listed below and these conditions of consent are to be implemented at the appropriate stage of development.

- Arboricultural Impact Assessment (AIA), by Michael Shaw, 29/04/2019, as amended by;
- updated Arboricultural Impact Assessment (AIA) report (Michael Shaw, 11/09/2019), and;
- Root Investigation Statement (Naturally Trees 04/10/2019).

Compliance with pre-construction measures is to be certified by the project arborist and details submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Implementation of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans and these conditions of consent. The new landscaping is to be certified in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of the Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

Compliance with Arborist's Recommendations – During Construction

All tree protection measures to be implemented during construction, as specified in the submitted arborist reports listed below and these conditions of consent are to be implemented at the appropriate stage of development.

- Arboricultural Impact Assessment (AIA), by Michael Shaw, 29/04/2019, as amended by;
- updated Arboricultural Impact Assessment (AIA) report (Michael Shaw, 11/09/2019), and;
- Root Investigation Statement (Naturally Trees 04/10/2019).

In addition, the Project Arborist to undertake the installation of tree protection measures and direct supervision of all ground works within the calculated Tree Protection Zone of T2, and all pruning of T2.

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.

Tree Inspection by Ecologist

Tree 1 contains deadwood and cavities and is 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 and experienced tree climber or arborist with the use of an elevated work platform where necessary.

The Project Ecologist must be presented to undertake direct supervision of tree removal to rescue any displaced fauna.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of tree removals and immediately following tree removals..

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.

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

Replacement of Canopy Trees

At least 2 locally native canopy trees are to be planted on site to replace trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with these conditions of consent. Species must be chosen from the following: *Eucalyptus haemostoma*, *Angophora costata*, *Corymbia gummifera*, *Angophora floribunda*, *Eucalyptus robusta*. Tree plantings 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. Replacement plantings are to be certified as complete and in accordance with these conditions of consent by a qualified landscape architect, arborist or ecologist and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate landscaping in accordance with relevant Natural Environment LEP/DCP controls.

Compliance with Arborist's Recommendations – During and Post-construction

All tree protection measures to be implemented, as specified in the submitted arborist reports listed below and these conditions of consent are to be implemented at the appropriate stage of development.

- Arboricultural Impact Assessment (AIA), by Michael Shaw, 29/04/2019, as amended by;
- updated Arboricultural Impact Assessment (AIA) report (Michael Shaw, 11/09/2019), and;

- Root Investigation Statement (Naturally Trees 04/10/2019).

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

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.

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