

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0649
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 1 DP 450305 , 3 Bynya Road PALM BEACH NSW 2108

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

The proposal has been assessed against Pittwater LEP 7.6 and DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor and C1.1 Landscaping. The application is not accompanied by an Arborist report, and the proposal may impact on trees, especially in vicinity of the proposed pool and spa.

Pursuant to B4.4, development shall result in no net loss in native canopy trees. The tree near the proposed spa is marked to be retained, and as it may be affected by the construction a Tree Protection Plan including suitable construction techniques is to be submitted by a suitably qualified Arborist prior to the issue of a construction certificate.

A Concept Landscape Plan (prepared by Case Ornsby Design Pty Ltd, dated 16/07/2018) was provided. The concept is to be revised to include additional detail, including at least 60% of any new planting incorporates native vegetation (as per Shale Slopes vegetation type species listed in Native Plants for Your Garden available on the Pittwater Council website) and privacy screen planting to the northern boundary. Landscaping should not include environmental weeds.

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

Tree Protection Plan

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

Layout of the approved development

Location of trees identified for retention

Extent of canopy spread

Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)

Specific construction techniques for the proposed spa footings (pier footing only)

General tree protection measures

(b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

(c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

Tree Protection and Pruning

(a) Existing trees which must be retained

All trees unless exempt or noxious in the relevant planning instruments

(b) Tree protection and pruning

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures. .

iv) All tree protection measures, including fencing, are to be in place prior to commencement of works

v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.

vi) Tree pruning is not to exceed 15% of any existing tree canopy

vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

Landscaping

At least 60% of all plants used in the landscaping for this development must be local native species from the Shale Slopes vegetation type (as per the species listed in Native Plants for Your Garden available on the Pittwater Council website).

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

Reason: Biodiversity conservation and management

Provision of Landscape Working Drawings

Detailed landscape working drawings and specification, which comply in all respects with the conditions

of development consent, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be certified by a qualified landscape architect, landscape designer/environmental designer or horticulturist, confirming that the plans/details for the works to be carried out will achieve the relevant conditions of the development consent. In particular, the landscape working drawing is to provide full details of the following:

- a) The usage of the dominant native species growing in the area or locally indigenous species for understorey planting and with provision of at least two (2) trees in the front yard and one (1) tree to the rear yard which will meet a minimum mature height of 8.5m;
- b) Clear indication of the location of all existing trees and vegetation to be retained, removed and/or proposed. This should incorporate the TPZ and SRZ as stated within the associated arborist report if applicable;
- c) A planting schedule including stratum, species/common names, species quantities, pot sizes and staking details;
- d) The proposed finished treatment of garden areas, including soil depth and retaining walls and the location of underground services;
- e) Privacy screen planting along the northern boundary to the extent required.

Reason: To ensure adequate and appropriate landscaping is carried out to retain the Urban Forest/Natural Environment.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection Fencing

Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed.

Reason: Environmental Protection

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 Tree Protection Plan 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 Tree Protection Plan 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.

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

Tree protection measures to be Certified as Complete

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 Tree Protection Plan 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 ensure the retention of the Urban Forest/Natural Environment.

Practical Completion of Landscape Works

A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to the Principal Certifying Authority with the Occupation Certificate application. This report is to certify that all landscape works have been completed in accordance with the landscape working drawings and specifications.

Reason: To ensure landscaping is adequate and consistent with approved plans.

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

Tree Retention

In accordance with Pittwater 21 DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

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

Landscaping in the Vicinity of Swimming Pools

The boundary fence at the rear of the property must be a minimum height of 1800mm with a non-climbable zone of 900mm on the inside of the fencing in accordance with the Australian Standard prescribed by the Swimming Pools Regulation 2008. Any shrubs or plants located adjacent to the inside of the boundary fence must be maintained for the lifetime of the development at a height that does not interfere with the 900mm non climbable zone.

Reason: To ensure safety standards around pools are maintained.

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.

Landscape Plan to be Implemented

Landscaping is to be implemented in accordance with the approved Landscape Plan. 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.