

## **Elizabeth Morrison – notes**

Proposed condition for protection of nesting birds. This condition is recommended as a replacement for recommended condition 47 of Discharge Permit RM23.185.01, as set out in Appendix C to the s42A report.

Condition 47 currently reads:

*The Consent Holder must avoid disturbance of native nesting birds during any tree removal that may occur as part of the Vegetation Management and Restoration Plan.*

The new Condition 47 is proposed as follows:

*All vegetation alteration and/or clearance must occur outside the main native bird nesting season (early September until the end of February inclusive) to minimise any disturbance risk that vegetation removal would have on nesting birds. If vegetation clearance is unavoidable during the main native bird nesting season, an approved and experienced ecologist or ornithologist must visually observe and inspect all trees and shrubs proposed for removal within 24 hours of felling to identify any active nests. This includes checking cavities and hollows for nesting birds (e.g. morepork, kingfisher). Should any nesting be identified, a 20-metre buffer of vegetation must be required to remain around the nest site until an approved and experienced ecologist or ornithologist has confirmed that the nest has failed or the chicks have hatched and naturally left the natal site. Following inspection and confirmation of absence of nesting birds, the consent holder must submit a completion report to Council for approval, within 30 working days.*

### *Advice Note*

*Almost all native bird species are absolutely protected under the Wildlife Act 1953. It is an offence to deliberately disturb or destroy them, their eggs or nests. By restricting vegetation clearance to outside of the main native bird breeding season the risk of disturbing nesting forest birds is significantly reduced (but not entirely eliminated), therefore vegetation should still be checked for obvious signs of nesting activity prior to clearance works being undertaken.*