

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/1280
Date:	11/10/2022
Responsible Officer	Brittany Harrison
Land to be developed (Address):	Lot 39 DP 241518 , 11 Gilwinga Drive BAYVIEW NSW 2104

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 application has been accompanied by a Bush Fire Hazard Assessment that requires that the property to a maximum distance of 56 metres, or the property boundary if this comes first, is to be managed as an Asset Protection Zone. The creation and maintenance of this asset protection zone, will require the removal and ongoing management of native vegetation.

The exact extent of clearing of native trees and vegetation for the asset protection would normally need to be assessed to determine potential entry into the Biodiversity Offset Scheme (BOS). However the site has an approved 10/50 clearing entitlement relating to an existing building, and the approved clearing in these areas does not need to be considered in determining whether a biodiversity development assessment report is required for a subsequent development application. Therefore the area threshold of the BOS will not be exceeded as additional clearing beyond the existing entitlement is limited. The NSW RFS have agreed to the proposed APZ, dependent upon the maintenance of the APZ conditioned in Consent N0013/14 for the neighbouring western site, 10 Gilwinga Drive, Bayview (Lot 40 DP 214518).

The rear of the site is mapped as Biodiversity and clause 7.6 of Pittwater LEP applies. In addition, the DCP Heathland/Woodland control and steep slopes will require careful selective management of native vegetation to establish the APZ, and a tree and native vegetation protocol to manage this has been conditioned.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

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

Preparation of a Tree Removal Protocol

The Bush Fire Consultant is to prepare a Tree and Native Vegetation Removal Protocol and Plan for the approved Asset Protection Zone works which includes the provision of (at a minimum):

- Removal of Priority and environmental weeds first;
- Removal of more flammable species such as those with rough, flaky or stringy bark;
- Remove or thin understorey plants, trees and shrubs less than three metres in height, and
- include a protocol for rescue of fauna and relocation of log hollow sections onsite to provide fauna habitat

The removal of significant native species must be avoided.

The Protocol must also include procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey.

The Tree Removal Protocol is to be submitted to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native wildlife and their habitat.

No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

Fencing for Wildlife Passage

Any new permanent fencing (with the exception of swimming pool fencing) is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and spaced at a minimum of 6m intervals.

Plans are to be certified as complying with this condition and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To preserve wildlife corridors.

Delineation of Asset Protection Zones

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) are to be surveyed and clearly marked by way of temporary fencing, flagging tape or markers. Clearing of vegetation for APZ establishment must only occur within the marked APZ boundaries.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To protect native vegetation and wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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 protect native wildlife.

Tree Removal Protocol to be Implemented

Removal of native trees approved to be removed for the Asset Protection Zone is to be undertaken in accordance with the protocols and recommendations specified in the Tree Removal Protocol prepared by the Bush Fire Consultant in accordance with these conditions of consent.

The Consultant is to provide written certification of compliance to the Principal Certifier prior to commencement of tree removal.

Reason: To protect native vegetation.

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

Clearing for Asset Protection Zones

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be submitted to the Principal Certifier.

Reason: To protect native vegetation and wildlife.

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

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Fencing for Wildlife Passage

Any new permanent fencing (with the exception of swimming pool fencing) is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and

spaced at a minimum of 6m intervals.

Details demonstrating compliance are to be provided the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To preserve wildlife corridors.

Clearing for Asset Protection Zones

Clearing of vegetation for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be submitted to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

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

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.