

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2020/0033
<b>Date:</b>	14/04/2020
<b>Responsible Officer</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT BAY NSW 2105

### 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 the following biodiversity provisions:

- SEPP (Coastal Management) - Coastal Environment Area
- NSW Biodiversity Conservation Act 2016
- Pittwater LEP Clause 7.6 (Biodiversity)
- Pittwater DCP Clause B4.7 (Pittwater Spotted Gum EEC)

The proposed development is for demolition of an existing detached studio building, construction of new pavilions, and associated bushfire Asset Protection Zone (APZ) works. This biodiversity assessment is based on the submitted plans and documentation, particularly:

- Flora & Fauna Assessment (inc. applicable five-part tests), Ecoplaning (January 2020)
- Bushfire Report, Bushfire Planning Services (November 2019)
- Arboricultural Impact Assessment, Blue Gum Tree Care and Consultancy (December 2019)
- Landscape Plan 1914/DAL01, Trish Dobson (November 2019)

The submitted plans and documentation indicate that the proposal has been appropriately designed and sited to minimise impact to Pittwater Spotted Gum Forest EEC, other native vegetation and wildlife habitat. It is proposed to remove 0.014ha of Spotted Gum EEC, and modify an additional 0.069ha; however, specific trees proposed for removal are to be replaced and the Flora & Fauna Report states that "trees will not need to be removed to create the APZ".

Measures for minimising biodiversity impacts appear to have been well incorporated into the proposal, as outlined in the Arboricultural Impact Assessment and Flora & Fauna Reports. The Landscape Plan includes replacement plantings for the three medium-retention native trees within the building footprint that are proposed to be removed, in addition to appropriate new low shrubby/groundcover plantings.

The submitted Bushfire Report recommends a new 25m APZ (Inner Protection Area) to the south of the new structure, which will assist in minimising environmental impacts associated with APZ establishment and maintenance.

It is therefore considered that the proposal complies with relevant controls, subject to recommended mitigation measures and RFS concurrence with recommendations of the Bushfire Report. Should RFS concurrence not be provided, further environmental assessment will be required.

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**

#### **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 Certifying Authority prior to issue of Construction Certificate.

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

#### **Preparation of Environmental Management Plan**

A Construction Environmental Management Checklist (CEMP) is to be prepared and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the CEMP are to include all conditions of consent addressing construction-related impacts to biodiversity. The CEMP is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

### **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **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. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

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

#### **Impacts to Protected Native Wildlife**

Habitat for native wildlife including trees proposed for removal and vegetation modified for APZ establishment is to be inspected for native wildlife prior to removal. If native wildlife is found within

habitat to be removed, a registered wildlife rescue and rehabilitation organisation must be contacted for advice. Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response. Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

### **Vegetation Clearing Protocols**

Clearing of native vegetation is to be undertaken in accordance with the protocols and recommendations specified in the approved ecological report (Ecoplanning, November 2019). Written certification of compliance is to be prepared and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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

### **CEMP to be Implemented**

All workers, including sub-contractors, are to be briefed on measures specified in the Construction Environmental Management Plan (CEMP) through a site induction and given a copy of the CEMP prior to commencing their works. A record of receipt of the CEMP is to be signed by all workers and this record is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

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

### **Implementation of Construction Environmental Management Plan**

Construction is to be undertaken in accordance with the Constructional Environmental Management Plan. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

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

### **Clearing for Asset Protection Zones**

Any clearing of vegetation for APZ establishment is to prioritise removal of declared and environmental weeds before native vegetation is cleared for APZs. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

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

### **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.

**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.