

Natural Environment Referral Response - Biodiversity

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| Application Number: | DA2023/0703 |
| Proposed Development: | Alterations and additions to a dwelling house including a swimming pool |
| Date: | 05/07/2023 |
| Responsible Officer | Thomas Prosser |
| Land to be developed (Address): | Lot 3 DP 1194872 , 6 Kara Crescent BAYVIEW NSW 2104 Lot 4 DP 1194872 , 7 Kara Crescent 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 proposal seeks approval for alterations and additions to a dwelling including a swimming pool. The comments in this referral relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP - Part 7.6 Biodiversity Conservation
- Pittwater 21 DCP - Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

A BDAR prepared by Narla Environmental (May 2023) has been submitted with the application. The BDAR confirms the presence of Pittwater and Wagstaffe Spotted Gum Forest, which is listed as an Endangered Ecological Community (EEC) under the NSW Biodiversity Conservation (BC) Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of a total of 0.03ha of PWSGF EEC, including the removal of two native trees as identified by the Arboricultural Report.

The assessed residual impacts of the development result in the following offset requirements under the

Biodiversity Offset Scheme:

- Retirement of one Ecosystem Credit for Pittwater and Wagstaffe Sotted Gum Forest EEC (PCT 3234)
- Retirement of one Species Credit for *Chalinolobus dwyeri*
- Retirement of one Species Credit for *Vespadelus troughtoni*

The retirement of offsets will be conditioned as part of the consent.

The submitted arborist report assessed a total of 52 trees and recommended the removal of 4 trees (T19, T28, T51, T52) to accommodate the proposed footprint and only one of these is a prescribed tree (T19, *Eucalyptus punctata*). Tree protection measures (fencing and mulching) recommended in the Tree Protection Plan will have to be in place before works commence to ensure retention of high value trees (T10, 12, 13, 14, 15, 16, 17, 18, 20, 21, 37, 38 and 39) and habitat as confirmed during a site visit undertaken on 03/07/2023.

Lastly, a Landscape plan has been submitted with the application. No weeds have been identified on the proposed planting schedule and replacement canopy trees have been considered to compensate the removal of T19.

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

Compliance with Ecologist's Recommendations – Pre-construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Narla Environmental 2023) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

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.

Like for like credit retirement conditions - Ecosystem credit retirement conditions

Prior to issue of the relevant Construction Certificate the class and number of ecosystem credits in

Table 19 of the submitted BDAR (Narla, May 2023) must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 19 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 19 requirements must be provided to the Satisfaction of Councils Bushland and Biodiversity team and to the Principal Certifier prior to release of construction certification.

Evidence will be in the form of:

- A copy of the confirmation email (from the BOS Credits team) to show that the correct type and number of credits have been retired, and from a relevant IBRA sub-region as per the offset rules, or
- If paid into the Biodiversity Conservation Fund, a copy of the section 6.33 statement.

Table 19 Ecosystem credits required to be retired – like for like

| Impacted Plant Community Type | TEC | Number of ecosystem credits | Containing HBT | IBRA sub-region | Plant community type(s) that can be used to offset the impacts from development |
|---|--|-----------------------------|----------------|--|---|
| PCT 3234: Hunter Coast Lowland Spotted Gum Moist Forest | Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion | 1 | YES | Pittwater, Cumberland, Sydney, Cataract, Wyong and Yengo | 3234, 3437 |

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

Like for like credit retirement conditions - Species credit retirement conditions

Prior to issue of the relevant Construction Certificate the class and number of species credits in Table 20 of the submitted BDAR (Narla, May 2023) must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table 20 may be satisfied by payment to the Biodiversity

Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 20 requirements must be provided to the Satisfaction of Councils Bushland and Biodiversity team and the Principal Certifier prior to release of construction certification.

Evidence will be in the form of:

- A copy of the confirmation email (from the BOS Credits team) to show that the correct type and number of credits have been retired, and from a relevant IBRA sub-region as per the offset rules, or
- If paid into the Biodiversity Conservation Fund, a copy of the section 6.33 statement.

Table 20 Species credits required to be retired – like for like

| Impacted species credit species | Number of species credits | IBRA sub-region |
|---|---------------------------|-----------------|
| Chalinolobus dwyeri Large-eared Pied Bat | 1 | Pittwater |
| Vespadelus troughtoni (Eastern Cave Bat) | 1 | Pittwater |

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Temporary Protection Fencing – Exclusion Zones

Prior to the commencement of any works onsite, temporary mesh construction fencing is to be erected surrounding areas of retained native vegetation on the site as mapped in the approved Biodiversity Development Assessment Report (Narla Environmental, 2023) and Arboricultural Impact Assessment Report (Bluegum Tree Care and Consultancy, 2023).

Details demonstrating compliance must be prepared by the Project Ecologist and submitted to the Principal Certifier prior to any commencement.

Reason: To protect native vegetation.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Ecologist’s Recommendations – During Construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Narla Environmental, May 2023) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Pre-clearance Survey - Certified by Project Ecologist

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

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 prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

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.

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

Compliance with Ecologist's Recommendations – Post Construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Narla Environmental, May 2023) are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) 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.

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

Compliance with Ecologist's Recommendations – Ongoing

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report/Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

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.