

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/0696
Proposed Development:	Construction of a dwelling house including swimming pool
Date:	15/01/2024
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 16 DP 200638 , 60 Castle Circuit SEAFORTH NSW 2092

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

AMENDED COMMENTS 15/01/2024

Amended plans and documentation have been submitted with the application and Trees 5 and 14 which were to be retained are now shown to be removed. No objections are raised based on the findings of the amended arboricultural report which states that the trees are either dead or in severe decline.

The submitted landscape plan still includes a number of exotic species including *Raphiolepis indica* which will have to be replaced with a suitable alternative. A total of 8 canopy trees are being proposed for planting (5 *Angophora costata*, 2 *Acmena smithii* and 1 *Ceratopetalum apetalum*).

The proposed works in the road reserve are deferred to the landscape referral team.

No additional biodiversity related conditions are recommended.

ORIGINAL COMMENTS

The proposal seeks approval for the construction of a dwelling house including a swimming pool. The comments in this referral relate to the following applicable controls:

- Planning for Bushfire Protection 2019
- Manly LEP Clause 6.5 (Terrestrial Biodiversity)
- SEPP (Coastal Management) – Coastal Environment Area

The site presents a 13 metre drop from the frontage of the site to the back of the site (East to West). The steep slope makes the retention of trees and vegetation complex within the context of a new development.

The proposal has been submitted with an accompanying Arboricultural Impact Assessment that has identified a total of 32 trees. A total of seven trees identified on the AIA are found outside of the site boundary (Trees 14, 23, 27, 28, 29, 30, 31 and 32). These will not be considered as part of the Biodiversity assessment. Trees 5 and 14 have been identified as the only trees to be retained on the site, however, tree 5 is a *Pittosporum undulatum* under 8 metres and is therefore exempt under current Northern Beaches tree exemption rules and could be removed without consent. Tree 14, has been identified as a dead tree.

The proposal has been submitted with an Ecological Impact Assessment which has concluded that no significant impacts to native flora and fauna would take place. The Biodiversity team generally concurs. The report has indicated "in its current form, the vegetation on site is not representative of Coastal Sandstone Foreshore Forest or any other ecological community. The vegetation on the site is very weedy and there is no discernible native vegetation type existing on the site." However, a total of 6 hollows have been identified on the site and would be lost under the current proposal. Their retention and installation in the neighbouring reserve will be conditioned as well as the inclusion of complimentary nest boxes of similar characteristics.

The proposal has also been submitted with a Bushfire Report that has determined that the property will have to be treated as an Asset Protection Zone in perpetuity as the property has been awarded a bushfire risk level of Flame Zone. No objections are raised but conditions will apply to ensure that APZs are limited to the property boundary.

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

Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.
- Deletion and replacement of *Raphiolepis indica* with a native alternative.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

Adherence to Natural Environment Consent Conditions

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2020/1585, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the Ecological Impact Assessment Report (GIS Environmental Consultants, November 2020).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

Biodiversity Management Plan

A Biodiversity Management Plan must be prepared to the satisfaction of Council's Bushland and Biodiversity team and submitted to the Certifying Authority.

The BMP is to encompass the entire subject lot and the road reserve to the north of the lot. The BMP must include the following management actions:

- control of priority and environmental weeds within the site and road reserve
- revegetation of the site and road reserve in accordance with the landscape plan
- installation of a minimum of six (6) nest boxes within the site in accordance with these conditions of consent
- relocation of all removed hollows to Castle Circuit Bushland Reserve
- implementation of all other biodiversity-related measures outlined in these conditions of consent

Management activities associated with the BMP for both the subject lot and road reserve are to be funded by the owner of 60 Castle Circuit Close.

The BMP is to be provided to Council's Bushland and Biodiversity team for approval, and evidence of approval provided to the Certifying Authority prior to the Construction Certificate.

Reason: To protect native vegetation and wildlife

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 Flora and Fauna Assessment

Report/Biodiversity Development Assessment Report 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.

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.

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

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.

Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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

Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.

Implementation of a Biodiversity Management Plan (BMP)

The development is to be undertaken in accordance with the Biodiversity Management Plan as approved by Council's Bushland and Biodiversity team and submitted to the Certifying Authority prior to the Construction Certification.

The BMP is to be implemented for a minimum of 5 years. Should the management actions remain incomplete at the end of the 5 year period, the BMP will be reinstated for a further 5 years, or until the management actions are complete.

Reason: To ensure compliance with Manly LEP Clause 6.5 Terrestrial Biodiversity