

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0199
Date:	06/05/2021
Responsible Officer	Lashta Haidari
Land to be developed (Address):	<p>Lot B DP 402309 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 1 DP 595298 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 7 DP 455967 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 6 DP 8561 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 5 DP 8561 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 4 DP 654321 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 6 DP 737137 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 8 DP 455967 , 4 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 3 DP 8561 , 2 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 2 DP 8561 , 2 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 1 DP 8561 , 2 Jacksons Road WARRIEWOOD NSW 2102</p> <p>Lot 15 DP 26902 , 2 Jacksons Road WARRIEWOOD NSW 2102</p>

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

Council's Biodiversity referrals team have assessed the Development Application (DA) for compliance against applicable biodiversity related legislation and controls, including:

- NSW Biodiversity Conservation Act 2016
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.3 Flora and Fauna Habitat Enhancement Category 2 Land
- Pittwater 21 DCP cl. B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- Pittwater 21 DCP cl. B4.6 Wildlife Corridors
- Pittwater 21 DCP cl. B4.13 Freshwater Wetlands (non Endangered Ecological Communities)
- Pittwater 21 DCP cl. B4.14 Development in the Vicinity of Wetlands
- Coastal Management SEPP 2018 cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest

The DA seeks consent for the demolition of the existing and construction of a new Warriewood Valley Community Centre. It is noted that the submitted plans include tree removals required to facilitate a proposed slip lane that does not form part of the current DA; as such, impacts associated with the slip lane have not been considered in this assessment.

A Biodiversity Impact Assessment (BIA) has been submitted with the DA (ACS Environmental, December 2020) and provides details of biodiversity values within the site, likely impacts, and the proposal's compliance with relevant biodiversity legislation and controls. The report concludes that proposed vegetation removal does not exceed 0.25 ha and that the proposal therefore does not trigger entry into the NSW Biodiversity Offset Scheme (BOS) or requirement for a Biodiversity Development Assessment Report (BDAR). The Biodiversity referrals team have assumed that vegetation removal for the proposed slip lane has not been considered in the consulting ecologist's assessment of overall native vegetation loss.

No threatened entities listed under the Biodiversity Conservation Act 2016 were identified on the site of proposed works. As such, the BIA concludes that no threatened flora, fauna or ecological communities will be impacted by the proposal.

The Arborist Report submitted with the DA (Earthscape Horticultural Services, 4 February 2021) identifies a total of thirty (30) prescribed trees proposed for removal, with a further nine (9) exempt trees to be removed to facilitate the development, and five (5) trees recommended for removal due to poor health and condition. Replacement planting has been proposed and is detailed in the original Landscape Plans (Aspect Studios, 12 December 2020), which provide for planting of appropriate species and densities to mitigate the loss of native vegetation as a result of the proposed development. It is noted that the Landscape referral body have provided detailed conditions to remove potentially overly-vigorous/invasive species (e.g. Tuckeroos) from the Landscape Plan, however amended Landscape Plans (Aspect Studios, 20 April 2021) have subsequently been submitted to address these conditions. The amended Landscape Plans are supported and are to be implemented.

Based on the submitted plans and documentation, the Biodiversity referrals team are satisfied that the proposed development complies with applicable biodiversity legislation and planning controls, subject to recommended conditions of consent.

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 Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

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 Biodiversity Impact Assessment Report (ACS Environmental 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 Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Pre-clearance survey

Habitat for native wildlife (including native and exotic trees/shrubs proposed for removal) is to be inspected for native wildlife by the Project Ecologist 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 prepared by the Project Ecologist and provided to the Principal Certifying Authority prior to any Occupation Certificate.

Reason: To protect native wildlife in accordance with relevant biodiversity controls.

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 Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Fauna and Tree Hollow Relocation

The Project Ecologist is to certify in writing that:

- a) any fauna that was displaced or disturbed during tree clearing and/or construction works was safely and appropriately relocated; and
- b) any tree hollows were salvaged from trees by the project arborist and placed within areas of retained native vegetation on the site.

Written certification of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect native wildlife.

Relocation of Logs and Coarse Woody Debris – Certified by Ecologist

All logs and branches are to be salvaged from cleared trees and reused as fauna habitat within areas of retained native vegetation on the site.

Details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect wildlife habitat in accordance with applicable biodiversity controls.

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Aspect Studios, 20 April 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with relevant biodiversity controls.

Replacement of Canopy Trees

At least 63 locally native canopy trees are to be planted on site to replace protected trees approved for removal in accordance with the Landscape Plan (Aspect Studios, 20 April 2021).

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To ensure compliance with relevant biodiversity controls.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified on the NSW WeedWise website) are to be imported

on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority 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

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.