

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2020/0661
<b>Date:</b>	17/09/2020
<b>Responsible Officer</b>	Phil Lane
<b>Land to be developed (Address):</b>	Lot 7356 DP 1167221 Crown Licence RI 569549 , 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099

### 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

A number of controls under the Warringah DCP apply to the proposed location, including E3 Threatened Species and High Conservation Habitat, E4 Wildlife Corridor and E5 Native Vegetation. The proposal has also been assessed against the NSW and Commonwealth biodiversity legislation, as well as State Environmental Planning Policy (Coastal Management) 2018 cl. 13 Development on land within the coastal environment area.

Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions vegetation community, an Endangered Ecological Community listed under both the NSW and Commonwealth biodiversity legislation, has been mapped within the study area. The John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan (Eco Logical Australia 2019) has concluded that "despite the disturbed nature and extensive recent revegetation within the subject site, it is considered likely that the vegetation community is revegetated Estuarine Swamp Oak Forest, which aligns with Swamp Oak Floodplain Forest Endangered Ecological Community, listed under the BC and EPBC Acts. No threatened flora or fauna were observed during the field survey, and no threatened fauna are likely to use the study area as foraging habitat, due to the recent clearing and the fact that the replanted vegetation has not matured to a point where it can provide habitat for threatened species."

While construction of the proposed telecommunications facility will result in the removal of recently planted native vegetation within the study area, the proposal is unlikely to result in a significant impact to TECs, threatened flora and threatened fauna likely to be found within the study area.

Recommendations have been included to minimise the potential impacts, and a Biodiversity Management Plan is proposed to be implemented that includes several mitigation measures.

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**

**Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide certification that conditions relating to the Biodiversity Management Plan (Eco Logical Australia 2019) are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity management of the property are fully implemented.

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

- Practising member of the NSW Ecological Consultants Association OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

**Reason:** To ensure bushland management.

**Implementation of Flora and Fauna Assessment Recommendations and Biodiversity Management Plan**

All requirements in the John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan (Eco Logical Australia 2019) are to be implemented prior, during and post construction.

Details demonstrating pre-construction compliance are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Biodiversity/Vegetation Conservation and Management.

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

**Certification of Planting, Biodiversity Management and ongoing work**

The Project Ecologist or Ecological Consultant is to certify that:

- a) Native plant selection and planting as per John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan has been completed;
- b) All actions prescribed in the approved John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with requirements of the Plan;

- c) That areas/features requiring protection have been adequately protected and are in an acceptable condition.

**Reason:** Bushland management

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

### **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

**Reason:** Weed management.

### **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.

### **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

**Reason:** To protect Aboriginal Heritage.

### **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.