

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0741
Proposed Development:	Reconstruction of an access driveway
Date:	15/10/2024
Responsible Officer	Thomas Burns
Land to be developed (Address):	Lot 39 DP 11356 , 38 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 40 DP 11356 , 36 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 41 DP 11356 , 34 Nareen Parade NORTH NARRABEEN NSW 2101 Lot 421 DP 1004511 , 32 A Nareen Parade NORTH NARRABEEN NSW 2101

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

Updated Biodiversity Referral (15 October 2014)

A compliant Biodiversity Development Assessment Report (ESEA, 27 September 2024) has been submitted and reviewed. The BDAR has assessed the impacts of the proposal including the removal of nine prescribed trees, and has calculated a biodiversity offset obligation of one (1) ecosystem credit for Sydney Coastal Enriched Sandstone Forest Plant Community Type, and two (2) species credits for Bauer's Midge Orchid and Swift Parrot (one credit each). Under the Biodiversity Conservation Act, this obligation must be satisfied prior to any construction certificate.

The BDAR provides an assessment of Serious and Irreversible Impacts (SAIL) for the Swift Parrot, and concludes that the proposal will not result in any SAIL for this species. This conclusion is concurred with.

The mitigation measures set out in Section 7 will contribute to replacement of trees approved for removal, as well as protection of wildlife during construction. These will be conditioned.

Biodiversity Referral (11 July 2024)

The following biodiversity-related controls and legislation apply to the subject sites:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- NSW Biodiversity Offsets Scheme (BOS)
- SEPP (Resilience and Hazards) - Coastal Wetlands Proximity Area
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Portions of the subject site were added to the NSW Government's Biodiversity Values Map (BV Map) on 29 September 2023. In accordance with the Biodiversity Conservation Act (BC Act), any development which results in impacts to native vegetation within the BV Map will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

Review of the submitted reports and plans indicated that the nine native trees proposed for removal are located within the BV Map. Council staff subsequently sought advice from the NSW Department of Climate Change, the Environment, Energy and Water (DCCEEW) to confirm the purpose for which the site had been identified on the BV Map. Council was advised that the site had been added due to modelling of threatened species habitat undertaken by DCCEEW, and that "any native vegetation clearing proposed on land mapped on the BV Map will trigger the BOS". A BDAR is therefore required to be prepared by an ecologist who is accredited to administer the NSW Biodiversity Assessment Method (BAM) (an 'Accredited Assessor'). The Accredited Assessor is to add Council as a case party in BOAMS.

The applicant may wish to consider a BV Map Review; however, it should be noted that DCCEEW have advised that: "a BV Map review could be requested although for this species, reviews of the map will only be conducted where there are areas of hard surfaces or cleared land (with appropriate approvals), non-native or non-woody vegetation. As part of a property review areas with suitable habitat (for this species) can also be added to the important habitat map".

Further information about reporting requirements can be found in Council's Biodiversity Guidelines for Applicants.

The Biodiversity referral will recommence upon receipt of an acceptable BDAR.

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 Section 7 of the submitted Biodiversity Development Assessment Report (ESEA, September 2024) 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.

Preparation of a Tree Removal Protocol

The Project Ecologist is to prepare a Tree Removal Protocol which includes the provision of (at a minimum):

- a pre-clearance survey of trees and vegetation approved for removal
- direct supervision of tree and vegetation removal
- protocol for rescue of fauna
- protocol for salvaging of log and hollow sections of trees approved for removal
- protocol for relocation of log and hollow sections to a suitable location on site
- procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey

The Tree Removal Protocol is to be submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To protect native wildlife.

Installation of Nest Boxes

A minimum of 1 nest box suitable for native birds and/or arboreal mammals (as recommended by the Project Ecologist) are to be installed in retained trees on the site.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

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 1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 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 1 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and to the Certifier prior to release of construction certification.

Table 1 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
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					the impacts from development
3592-Sydney Coastal Enriched Sandstone Forest	Not a TEC	1	No	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. OR Any IBRA subregion that is within 100km of the impact site	Sydney Coastal Dry Sclerophyll Forests This includes PCTs: 3583, 3592, 3594

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 the table below must be retired to offset the impacts of development.

The requirement to retire credits outlined in the table below 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 the below requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifier prior to release of construction certification.

Impacted species credit species	Number of species credits	IBRA sub-region
Genoplesium baueri / Bauer's Midge Orchid	1	Any in NSW
Lathamus discolor / Swift Parrot	1	Any in NSW

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

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 **XX** Report (reference).

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 Certifier prior to issue of 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 Section 7 of the submitted Biodiversity Development Assessment Report (ESEA, September 2024) 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.

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 Section 7 of the submitted Biodiversity Development Assessment Report 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.

Tree Removal Protocol to be Certified as Completed

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to the Principal Certifier prior to issue of Occupation Certificate.

Reason: To protect native wildlife.

Protection of Habitat Features – Certified by Ecologist

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.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Native Landscaping

Disturbed land surrounding the new driveway is to be revegetated in accordance with the species list and recommendations set out in Section 7.1.2.1 of the submitted Biodiversity Development Assessment report (ESEA, September 2024).

Details demonstrating compliance are to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

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.