

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1338
Date:	23/08/2021
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 1 DP 662920 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot 5 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot 7 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104 Lot A DP 339874 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 1 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 2 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 3 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 150 DP 1003518 , 1825 Pittwater Road BAYVIEW NSW 2104 Lot 191 DP 1039481 , 1825 Pittwater Road 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

Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls:

- Biodiversity Conservation Act 2016
- Koala Habitat Protection SEPP (2021)
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- 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
- Coastal Management SEPP 2018 cl. 13 Development on land within the coastal environment area

The Development Application seeks consent for the installation of a new stormwater harvesting and irrigation system to the existing Bayview Golf Club.

The Arboricultural Impact Assessment (Bellevue Tree Consultants, March 2021) submitted with the application, recommends the removal of four (4) *Casuarina glauca* trees (Trees 1, 24, 25, 44) due to their location which is partially within the excavated area for proposed service trenching. The Arborist has identified that these trees have a low retention value and are generally in poor condition.

Native vegetation has been mapped within the subject site, and the trees proposed for removal are either remnant or planted species that are consistent with Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest, both of which are Endangered Ecological Communities listed under the Biodiversity Conservation Act 2016 (BC Act). Swamp Oak Floodplain Forest is also listed as Endangered under the Environment Protection and Biodiversity Conservation Act 1999 (APBC Act).

A Biodiversity (Flora and Fauna) Report was not submitted with the application, however Council's biodiversity referrals team have reviewed the documentation submitted, and confirm that the Biodiversity Offset Scheme (BOS) is not triggered by the development and a Biodiversity Development Assessment Report (BDAR) is not required to be submitted with the application. A 5-part test has been prepared for Swamp Oak Floodplain Forest EEC and Swamp Sclerophyll Forest EEC which concluded that there would be no significant impact on either EEC as a result of the removal of four (4) *Casuarina glauca* trees from within the subject site. In relation to the Koala Habitat Protection SEPP (2021), the development is not likely to have any impact on koalas or koala habitat, therefore a Koala Assessment Report is not required to be prepared by the applicant.

Replacement planting within the subject site is to be undertaken at a ratio of 2:1 (replaced to lost), and is to be comprised entirely with *Casuarina glauca* individuals to ensure consistency with existing vegetation within the site.

Subject to these conditions of consent, Council's Biodiversity referrals team are satisfied that the proposed development complies with the above listed legislation and controls.

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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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 protect native wildlife.

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.

Details demonstrating compliance must be submitted to the Principal Certifying Authority prior to any commencement.

Reason: To protect native vegetation.

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.

Replacement of Canopy Trees

At least eight (8) *Casuarina glauca* trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m.

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 establish appropriate native landscaping.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2021 – 2026) 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.

Replacement of Canopy Trees

Tree replacement plantings required under this consent 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.

Reason: To replace locally native trees.