

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0263
Responsible Officer	Rebecca Englund
Land to be developed (Address):	Lot 3 DP 1115877 , 53 B Warriewood Road WARRIEWOOD NSW 2102 Lot 3 DP 942319 , 53 Warriewood Road WARRIEWOOD NSW 2102

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

Revised comments

The re-shaping of the riparian embankment and stormwater disposal works will now require removal of trees within the southern corner of the site. The trees are characteristic of species that are components of the endangered ecological community Swamp Sclerophyll Forest on Coastal Floodplains. The *Eucalyptus robusta* trees are located within the riparian zone, and have been assessed as having "poor condition with no realistic potential to improve" (About Trees Draft Arboricultural Impact Assessment @ 53B Warriewood Road Warriewood 25/06/19). The report states that the impact to the trees cannot be avoided.

It is considered that the development, including the removal of the three trees, is unlikely to significantly affect threatened species as:-

- (a) the local occurrence is unlikely to be placed at risk of extinction, the area to be cleared is small, will not increase fragmentation and will not reduce the long-term survival of the community
- (b) the development does not exceed the biodiversity offsets scheme threshold, and
- (c) it is not carried out in a declared area of outstanding biodiversity value.

Therefore an Biodiversity Development Assessment Report is not required.

The applicant has submitted a Vegetation Management Plan to address the rehabilitation of the 25 metre wide riparian corridor. Additional mitigation measures have been suggested to be incorporated into the VMP via an amending condition, with the required changes will be submitted prior to CC.

The Landscape Plan is also to be amended to remove landscape works from the area covered by the VMP, and replace the proposed exotic grass area with native revegetation.

Original comments

I have reviewed the subdivision plans and flora & fauna report and provide the following comments.

Clause 7.6 Biodiversity of PLEP 2014 applies to the site. Based on the current site conditions and the proposed creek line corridor rehabilitation within Lot 16, the development is designed, sited and will be managed to avoid any significant adverse environmental impact. The provision of Lot 16 means that the subdivision will not significantly impact opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors, thereby satisfying clause 6.1 (4)(a).

The development is located on waterfront land, and the rehabilitation of the creek line corridor should be planned and implemented in accordance with a Vegetation Management Plan, and this must be submitted to Council as part of the application. The VMP is to be submitted to Council for review, and should

- detail the methods, timing, implementation, management, maintenance and monitoring to guide the restoration of the creek line corridor to a vegetation community characteristic of the locality,
- be developed in accordance with the NSW Office of Water publication "Guidelines for vegetation management plans on waterfront land", and
- incorporate the recommendations contained in section 6 of the Flora & Fauna Assessment (Ecological ASust dated 21 January 2019).

Referral Body Recommendation

Recommended for approval, subject to conditions

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 Vegetation Management Plan 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.

Amend Vegetation Management Plan

The Vegetation Management Plan (Ecological version 2 dated 26 June 2019 is to be amended to include:-

- soil preparation as part of civil works, with reference to engineering designs, including top soil stripping, control of weed regrowth, cultivation and soil additives
- recommendations from section 6 of the Flora & Fauna Report (Ecological 21 January 2019)
- increase plant densities for Zone 1 to trees 1/20m², shrubs 2/10m² and groundcovers 5/m²
- provide revegetation treatment for creek channel and stormwater headwall zone
- decrease weed cover percentage in all years (Table 6) based on site preparation civil works.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls (DACNECPCC2)

Implementation of Vegetation Management Plan

All requirements in the approved Vegetation Management Plan (Ecological) 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.

Amend Landscape Drawings

The submitted Landscape Plan (Symstudio dated 26th June 2019) is to be amended in accordance with the following:

- Deletion of Inner 25m creek corridor design and plant schedule.
- Reference the approved Vegetation Management Plan for all vegetation management and rehabilitation works within inner 25 creek corridor.
- remove all Buffalo Lawn from within the 50 metre riparian zone and replace with native revegetation

The amended Landscape Plan is to be certified by a qualified landscape architect prior to issue of the Construction Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Fauna and Tree Hollow re-location

During any vegetation clearance for construction works the Project Ecologist is to be present to re-locate any displaced fauna that may be disturbed during this activity.

Tree hollows are to be salvaged from trees within the development area and placed within the retained vegetation / Conservation Areas within the Lots. This is to be done by a qualified and experienced Arborist, under the direction of the Project Ecologist.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland management in accordance with Local Habitat Strategy 2007.

Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction, as specified in the approved Vegetation Management Plan and these conditions of consent. Compliance with these measures is to be certified by the project ecologist prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls (DACNEEDW1)

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 the approved Vegetation Management Plan has been completed;
- b) All actions prescribed in the approved Vegetation 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

Installation of Nest Boxes

At least three (3) nest boxes designed to suit microbat species are to be appropriately installed in trees within the creekline corridor not affected by development. Nest box installation is to be certified by an Ecological Consultant / Project Ecologist as being complete and adequate.

Reason: Wildlife habitat replacement.

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

Reason: Weed management.

Compliance with Ecologist's Recommendations – Post Construction

All biodiversity-related measures are to be implemented at the appropriate stage of development and for the full five year maintenance period, as specified in the approved Vegetation Management Plan. Satisfactory establishment/initiation of post-construction measures is to be certified by the project ecologist prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in

accordance with relevant Natural Environment LEP/DCP controls (DACNEGOG1)

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.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA
SUBDIVISION OR SUBDIVISION 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 Vegetation Management Plan has been completed;
- b) All actions prescribed in the approved Vegetation 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.