Natural Environment Referral Response - Biodiversity

Application Number:	Mod2019/0627

Responsible Officer	Nick England
Land to be developed (Address):	Lot 1 DP 601101 , 8 Wyatt Avenue BELROSE NSW 2085 Lot 101 DP 874509 , 101 / 0 Wyatt Avenue BELROSE NSW 2085

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

The proposed modification and Stage 2 DA have been assessed against the relevant biodiversity legislation and LEP controls, and well as the approved plans and consent of the 2015 development application (DA2015/0558).

Tree 39C (*Kunzea ambigua*) is proposed for removal within the Arborist Report, however it is not indicated for removal within the SEE, Ecological Issues & Assessment Report, or the submitted Plans. The tall shrub is located within or adjacent to the portion of the site mapped as Biodiversity Values under the Biodiversity Conservation Act 2016, and should therefore be retained unless removal can be justified as part of APZ requirements or is considered to be a safety risk.

While the current proposal will not impact the existing Grevillea Reserve area, a Positive Covenant under Section 88B of the Conveyancing Act 1919 continues to apply to the subject property and provides for protection of the threatened plant population. The Positive Covenant explicitly refers to the Bushland Management Plan v1.1 (Incorporating a Works Environmental Protection Plan) for John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07. A subsequent Biodiversity Management Plan for the Caley's Grevillea Reserve area has also been developed (SLR Consulting March 2014), and the school must continue to manage the site in accordance with the plans to ensure the ongoing long-term protection and maintenance of native vegetation (in particular the Duffys Forest and the Caley's Grevillea) and habitats within the Reserve.

The conclusions contained in the SLR 2014 EIAR remain current and relevant to the staged development concept includes actions regarding the threatened vegetation on the site and future landscaping works, and states that native plants to be used in the landscaping must be grown from local provenance seed and cuttings (these may be sourced from local nurseries). No Grevillea or Banksia hybrids are to be used in landscaping on the site. A consent condition to amend the submitted landscape plan is included.

The Bushfire Hazard Assessment has assessed the vegetation on the site and concluded that, apart from the Caley's Grevillea Reserve area, the school does not contain bush fire prone vegetation. This conclusion is incorrect, and the intent of this statement is unclear. The school is mapped as bushfire prone land independent of the extent of vegetation hazard on the site. The 2015 consent requires the site to be managed as an APZ, and this is to be in accordance with the NSW RFS requirements and approved bushland management plans.

In conclusion, based on the assessment above and the proposed conditions of consent, the proposed works do not significantly increase the biodiversity impacts above that previously approved.

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

Bushland Management - Existing Positive Covenant
Bushland is to be protected, conserved, rehabilitated and managed in accordance with the existing Positive Covenant under Section 88B of the Conveyancing Act 1919. This instrument is written and registered on the title so that the owners are bound to manage and protect the area in perpetuity in accordance with the Bushland Management Plan as defined in the instrument.

Reason: Management and protection of bushland.

Amendment of Landscape Plans
The submitted Landscape Plan is to be amended in accordance with the requirements of the 2015 staged development consent and the following:
- Prevention of the use of grevillea species in landscaping and rehabilitation to limit the likelihood of hybridisation;
- Replacement of non-local plant species with native plants grown from local provenance seed and cuttings
- Provision of a native plant schedule based on characteristic species of the Duffys Forest vegetation community and local species listed in current and previous ecological assessments.

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 and previous requirements.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Stockpiling of Topsoil
During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not

located within the dripline of existing trees which are to be retained.

Reason: To ensure protection and retention of the Urban Forest/Natural Environment.

Native Vegetation Protection
Guards or fences are to be provided around native vegetation as identified/ nominated on the approved plans. The guards or fences are to be installed prior to the commencement of any work on the site. No works, including utility installations (eg water, sewer, telephone, drainage), are to be undertaken within 4 metres of the trunk of any such trees. The tree guards shall be a minimum 1200mm high at least four (4) metres from the base of the nominated tree/s and constructed from timber posts and rails or posts and suitable plywood panels.

Reason: To protect and retain trees/the natural environment proposed for retention.

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

Weed Removal and Management
No weeds are to be imported on to the site.

All invasive and priority weeds on the site are to be removed and managed continuously, in accordance with the Biosecurity Act 2015.

Details demonstrating the removal and management of weeds are to be prepared by the project ecologist in writing and submitted to the Principal Certifying Authority prior to occupation certificate.

Reason: Weed management and biosecurity

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.

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.

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.