

Natural Environment Referral Response - Biodiversity

Application Number:	DA2020/0271
Date:	09/06/2020
Responsible Officer	Ashley Warnest
Land to be developed (Address):	Lot 43 DP 616582 , 38 Nullaburra Road NEWPORT NSW 2106

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 development has been assessed against the following biodiversity planning controls - Pittwater LEP 2014 cl.7.6 Biodiversity and P21 DCP cl B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community.

The subdivision development, driveway and building envelope for Lot 1 will require removal of 3 high retention value trees. The building envelope was located in consultation with the ecological consultant to minimise the potential impact to PWSGF. The site was assessed to contain approximately 1918m² of disturbed Pittwater and Wagstaffe Spotted Gum Forest. The proposal will remove 590m² of the native vegetation at the site, however this will not have a significant impact to the occurrence of Pittwater and Wagstaffe Spotted Gum EEC in the locality. Additional mitigation measures, including weed removal and bushland regeneration are proposed that will be conditioned as part of the subdivision development

The design proposed will minimise impacts to native vegetation characteristic of PSGF both on the site and the adjoining properties. Therefore, the development is designed, sited and will be managed to minimise any significant adverse environmental impact.

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 SUBDIVISION WORKS

CERTIFICATE

Engagement of 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 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

Evidence of engagement of the Project Ecologist is to be provided to the Principal Certifying Authority Prior to issue of Subdivision Works Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

Compliance with Ecologist's Recommendations – Pre-construction

All pre-construction biodiversity-related measures specified in section 7 of the approved Flora and Fauna Assessment (GIS Environmental (Draft) dated 9/12/19), and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures are to be certified by the Project Ecologist prior to issue of the Subdivision Works Certificate.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Ecologist to Induct Site Manager

Prior to commencement of construction works, the project ecologist is to meet with the site manager to:

- a) advise of conditions to be implemented for protection of relevant threatened species and endangered ecological communities;
- b) ensure that all workers are appropriately briefed on required protective measures; and
- c) inspect protective measures to confirm their adequacy and advise the proponent and site manager of the inspection results and their implications.

Reason: To prevent impacts to threatened species, endangered ecological communities and their habitats in accordance with the Biodiversity Conservation Act 2016.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction in accordance with section 7 of the approved Flora and Fauna Assessment (GIS Environmental (Draft) dated 9/12/19), and these conditions of consent.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifying Authority 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.

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 – Ongoing

All ongoing biodiversity-related measures are to be implemented in accordance with section 7 of the approved Flora and Fauna Assessment (GIS Environmental (Draft) dated 9/12/19) and these conditions of consent.

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

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.

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) All actions prescribed in the approved Flora and Fauna Assessment (GIS Environmental (Draft) dated 9/12/19) 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;

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

Reason: Bushland Management.