

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2023/0690
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house and secondary dwelling, swimming pool, carport, inclinator and boatshed
<b>Date:</b>	26/07/2023
<b>Responsible Officer</b>	Grace Facer
<b>Land to be developed (Address):</b>	Lot 59 DP 13760 , 252 Hudson Parade CLAREVILLE NSW 2107

### 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 proposal seeks approval for demolition works and construction of a dwelling house and secondary dwelling, swimming pool, carport, inclinator and boatshed.

The comments in this referral relate to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- SEPP (Resilience and Hazards) 2021 - Development within the coastal environment
- Pittwater LEP 2014 - Part 7.6 Biodiversity Protection
- Pittwater 21 DCP - Clause B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

A BDAR prepared by Kingfisher Urban Ecology and Wetlands (May 2023) has been submitted with the application. The BDAR confirms the presence of Pittwater and Wagstaffe Spotted Gum Forest, which is listed as an Endangered Ecological Community (EEC) under the NSW Biodiversity Conservation (BC) Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of a total of 0.08ha of PWSGF EEC. Impacts include the removal of two native *Corymbia maculata* (Spotted Gum) as identified by the Arboricultural Report (T35 and T47).

The assessed residual impacts of the development result in the following offset requirements under the Biodiversity Offset Scheme:

- Retirement of one Ecosystem Credit for Pittwater and Wagstaffe Sotted Gum Forest EEC (PCT 3234)
- Retirement of one Species Credit for *Chalinolobus dwyeri*
- Retirement of one Species Credit for *Vespadelus troughtoni*

It is noted that no justification for the reduced offset area of 0.02ha and subsequent species polygon for *Chalinolobus dwyeri* and *Vespadelus troughtoni* has been included in the BDAR. As per the BioNet Threatened Species Data Collection, the '*species polygon boundary should align with PCTs on the subject land to which the species is associated that are within 2km of identified potential roost habitat features*'. Calculations undertaken by Councils Biodiversity Officer confirmed that the reduction in species polygons from 0.08ha to 0.02ha does not result in a reduction of species credits required for each of the species credit species. As such, no amendments are required to the BDAR.

The retirement of offsets will be conditioned as part of the consent should the Development Application be approved.

A Landscape Plan has been prepared by Kingfisher Urban Ecology and Wetlands (July 2023) which provides a thorough revegetation plan to restore the remaining areas of the site to Pittwater Spotted Gum Forest and has been prepared to the satisfaction of relevant planning controls. Canopy species identified within the Landscape Plan including *Angophora costata* and *Eucalyptus paniculata* are to be replaced with *Corymbia maculata* to ensure like for like replacement of canopy trees proposed for removal from the site.

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 the approved Biodiversity Development Assessment Report (Kingfisher, July 2023) 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.

#### **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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

**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 Figure 10.1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Figure 10.1 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 Figure 10.1 requirements must be provided to the Satisfaction of Councils Bushland and Biodiversity team and to the Principal Certifier prior to release of construction certification.

Evidence will be in the form of:

- A copy of the confirmation email (from the BOS Credits team) to show that the correct type and number of credits have been retired, and from a relevant IBRA sub-region as per the offset rules, or
- If paid into the Biodiversity Conservation Fund, a copy of the section 6.33 statement.

Figure 10.1 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 the impacts from development
PCT 3234: Hunter Coast Lowland Spotted Gum Moist Forest	Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion	1	YES	Pittwater, Cumberland, Sydney, Cataract, Wyong and Yengo	3434, 3437

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 Figure 10.2 must be retired to offset the impacts of development.

The requirement to retire credits outlined in Figure 10.2 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 Figure 10.2 requirements must be provided to the Satisfaction of Councils Bushland and Biodiversity team and to the Principal Certifier prior to release of construction certification.

Evidence will be in the form of:

- A copy of the confirmation email (from the BOS Credits team) to show that the correct type and number of credits have been retired, and from a relevant IBRA sub-region as per the offset rules, or
- If paid into the Biodiversity Conservation Fund, a copy of the section 6.33 statement.

Figure 10.2 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Chalinolobus dwyeri Large-eared Pied Bat	1	Pittwater
Vespadelus troungtoni Eastern Cave Bat	1	Pittwater

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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Compliance with Ecologist's Recommendations – During Construction

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Kingfisher, July 2023) 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.

### Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

### **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**

### **Replacement of Canopy Trees**

At least 2 *Corymbia maculata* canopy trees are to be planted on the site to replace protected trees approved for removal.

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 Certifier 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) 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.

### **Priority Weed Removal and Management**

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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 weeds.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

### **Compliance with Ecologist's Recommendations – Ongoing**

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Kingfisher, July 2023) are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity 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, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.