

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/2592
Date:	22/02/2022
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 88 DP 752017 , 88 / 0 Eurabba Road DUFFYS FOREST NSW 2084

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 application seeks approval for the construction of a single dwelling house, including an accompanying pool and tennis court. to an existing dwelling, including the construction of a new swimming pool, spa, deck and associated landscaping. Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:

Biodiversity Conservation Act 2016 (BC Act) **Biodiversity Conservation Regulation 2017** **Warringah Development Control Plan (WDCP)**

- Clause E2 Prescribed Vegetation
- Clause E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat
- Clause E4 Wildlife Corridors
- Clause E5 Native Vegetation
- Clause E6 Retaining unique environmental features

The site is located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity Values Mapping, therefore any removal of native vegetation or prescribed impacts within mapped areas will trigger the Biodiversity Offset Scheme (BOS).

It is noted that all proposed construction is located within cleared areas and/or areas approved for vegetation maintenance under previous applications, additionally as an approved APZ (LEC Case number: 2018/00222061) already exists over the portion of the site required to be an APZ for this

development proposal, the BOS is not triggered. Outside the approved APZ, all areas of the site are to be managed in accordance with the approved Biodiversity Management Plan (Cumberland Ecology 2018) required under the previous consent (LEC Order Case number: 2018/00222061), and no areas within the approved Conservation Area are to be modified under the 10/50 clearing eligibility, otherwise the application must enter the BOS.

As the application does not require the removal of prescribed trees or vegetation nor is it likely to impact on nearby biodiversity values, Council's Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls, subject to conditions.

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.

Landscaping

All plants used in the landscaping for this development must be local native species as per the species list for Duffys Forest Endangered Ecological Community or non-invasive exotic species. No Grevillea or Banksia hybrids are to be used in the landscaping for this development.

Details demonstrating compliance prepared by the Project Ecologist are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Biodiversity conservation and management

Permanent Delineation of Asset Protection Zones

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the extent of the bush fire Asset Protection Zone must be fenced.

The fence shall conform to the specification for bush protection fencing consisting of 1150mm high galvanised hinge joint fencing (8/115/30) (Stocktite or similar) fixed to fence with 3x strands 3.15mm galvanised fencing wire. Posts are to be capped, 50mm round galvanised pipe at 3m centres. End posts are to be stayed with galvanised pipe stay every 15m. Inline stays are to be fixed to 50mm post. Posts are to be concreted into the ground. This fence is to be constructed prior to any construction works.

The installation of this fence to delineate the Asset Protection Zone is to be supervised by the Project Ecologist.

Alternate fence designs are to be approved by Councils Natural Environment and Climate Change - Biodiversity section in writing.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: Bushland Protection.

Implementation of Biodiversity Management Plan

All requirements in the Biodiversity Management Plan prepared by Cumberland Ecology (dated March 2018) 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.

Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out.

The Project Ecologist will provide certification that conditions/mitigation measures relating to the Biodiversity Management Plan prepared by Cumberland Ecology (dated March 2018) and Fauna Assessment prepared by Cumberland Ecology (dated October 2017) are carried out.

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

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

Reason: To protect native vegetation and wildlife.

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

Clearing for Asset Protection Zones

Clearing of vegetation for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

The 10/50 clearing eligibility is not to be used within the approved Conservation Area (outside approved APZ), as set out within the approved Biodiversity Management Plan (Cumberland Ecology 2018).

Written certification of compliance is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) 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.