

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1039
Date:	21/09/2021
Responsible Officer	Adam Mitchell
Land to be developed (Address):	Lot 2566 DP 752038 , 16 Wyatt Avenue BELROSE NSW 2085 Lot 2597 DP 752038 , 16 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 application seeks approval for the demolition of the existing structures, and the construction of a boarding house. The proposed boarding house accommodates 62 boarding rooms, including a manager's room. Off-street parking is proposed for 31 vehicles, 10 motorcycles, and 14 bicycles. Vehicular access to the site is proposed via a combined entry/exit driveway located along the Wyatt Avenue frontage of the site. The application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity.

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 Local Environmental Plan 2000**
- 56 - Retaining distinctive environmental features on sites
- 58 - Protection of existing flora
- Schedule 6 - Preservation of bushland
- **State Environmental Planning Policy (Koala Habitat Protection)**

The application requires the removal of 17 trees of which 10 are exempt and the remaining 7 require

Council consent. Of the 7 trees requiring consent, 4 are considered locally-native (T.25, 27, 28, 29) and include a single *Banksia serrata* identified to be in poor health (Axiom Arbor 2021) and three *Casuarina glauca*. Subject to replacement, Council's NEU-Biodiversity referral team have no objections to their removal to facilitate the application.

The Bushfire Hazard Assessment (Harris 2021) states that the current development site meets the requirements for an Inner Protection Area (APZ) without the need for any clearing. No clearing on the development site or neighbouring properties is required to meet the APZ requirements outlined in this report. Therefore, no additional impacts associated with APZ establishment and/or maintenance will occur. The subject lot has no areas of Biodiversity Values Mapping as declared under the BC Act and Reg. Additionally, the total area subject to clearing or APZ management is less than 0.25ha, and is therefore not subject to the Biodiversity Offset Scheme.

The application does not provide any assessment of compliance against SEPP (Koala Habitat Protection) which applied to the subject lot as it has an area of at least 1 hectare (including adjoining land within the same ownership). A lack of recent and/or historical Koala combined with relatively minor tree removal from a peri-urban interface is not considered to be Core Habitat as defined under the SEPP, and is therefore no objection is raised by NEU-Biodiversity, on condition that adequate tree replacement, including species listed from within Schedule 2 (Central Coast) of the SEPP are included.

Broadly, no objection is raised to the submitted Landscape Plan (Contour 2021), however two proposed non-native tree species (*Corymbia citriodora*, and *Eucalyptus viminalis*) should be replaced with local species such as *Eucalyptus haemastoma* (Scribbly Gum) and *Angophora costata* (Sydney Red Gum) as recommended by the Landscape Referral Team. This will also help to satisfy the replanting obligations for Koala Feed trees under the Koala SEPP.

Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.

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

Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of *Corymbia citriodora* and *Eucalyptus viminalis*
- Replacement with *Eucalyptus haemastoma* and *Angophora costata*
- Provision of at least 5 locally-native canopy trees (*Eucalyptus* spp., *Angophora* spp.)

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

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

Delineation of Asset Protection Zones

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) are to be surveyed and clearly marked by way of temporary fencing, flagging tape or markers. Clearing of vegetation for APZ establishment must only occur within the marked APZ boundaries.

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

Reason: To protect native vegetation and wildlife.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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 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.

Clearing for Asset Protection Zones

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

Written certification of compliance is to be submitted to the Principal Certifying Authority.

Reason: To protect native vegetation and wildlife.

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

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Contour Landscape Architecture 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

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.

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

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.

Replacement of Canopy Trees

Tree replacement plantings required under this consent 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.

Reason: To replace locally native trees.

Maintenance of Asset Protection Zones

Vegetation clearing for ongoing APZ maintenance must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.

Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife in accordance.