

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2023/0127
<b>Proposed Development:</b>	Designated Development - alterations and additions to an educational establishment (Narrabeen North Public School) including the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster
<b>Date:</b>	18/04/2023
<b>Responsible Officer</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 3 DP 1018621 , 6 Namona Street NORTH NARRABEEN NSW 2101

### 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 has been assessed against the following applicable biodiversity-related provisions:

- NSW Biodiversity Conservation Act 2016
- SEPP (Resilience and Hazards) - Coastal Wetlands
- SEPP (Resilience and Hazards) - Coastal Wetlands Proximity Area
- Pittwater LEP Clause 7.6 - Biodiversity Protection
- Pittwater DCP Clause B4.4 - Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The proposal will result in impacts to native vegetation within the NSW Biodiversity Values Map and as such, exceeds the threshold for entry into the NSW Biodiversity Offsets Scheme (BOS). Accordingly, the Biodiversity Development Assessment Report (BDAR) has been prepared by an ecologist accredited to apply the Biodiversity Assessment Method. The BDAR has determined that the proposal will require the retirement of five (5) ecosystem credits for the 'Coastal Sand Bangalay Forest' Plant Community Type (PCT 1793) (which aligns with the Bangalay Sand Forest Endangered Ecological Community) and sixteen (16) species credits for threatened microbats.

Given the site's designation as a Special Fire Protection Purpose development, a bushfire assessment has been prepared which recommends that: "That all grounds within the subject property are to continue to be maintained as an Asset Protection Zone (Inner Protection Area) as detailed in the NSW

Rural Fire Service’s document ‘Standards for Asset Protection Zones’ and Appendix 4 of Planning for Bush Fire Protection 2019." Thus is it assumed that no further clearing of native vegetation is required to achieve compliance with PBP 2019.

In addition to offsets, sixteen (16) locally native trees are proposed to be established to replace the six (6) prescribed native trees proposed for removal. Conditions have been applied in accordance with recommendations of the submitted BDAR and arborist report to further avoid and minimise impacts to native vegetation and wildlife habitat (including land identified on the Coastal Wetlands map), in accordance with s7.1.2 of the Biodiversity Assessment Method.

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 BDAR Recommendations – Pre-construction**

All pre-construction biodiversity-related measures specified in Tables 31 and 32 of the approved BDAR (LandEco Consulting, 2 February 2023) are to be implemented at the appropriate stage of the development. Compliance with any pre-construction measures specified in Tables 31 and 32 of the approved BDAR is to be certified by the Project Ecologist and evidence provided to the Certifier prior to issue of the Construction Certificate.

Reason: To confirm compliance with impact avoidance and mitigation measures of the approved BDAR.

**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 Table 1 must be retired to offset the residual biodiversity impacts of the development.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the consent authority and to the Certifier prior to release of construction certification.

Table 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

					<b>development</b>
1793-Coastal Sand Bangalay Forest	Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions	5	YES	Pittwater, Cumberland, Sydney Cataract, Wyong or Yengo or  Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions. This includes PCTs: 659, 1793, 1794.

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

**Variation rule credit retirement conditions - Ecosystem credit retirement conditions**

Prior to issue of the relevant Construction Certificate the class and number of species credits in Table 1 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 1 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifier prior to release of construction certification.

Table 1 Ecosystem credits required to be retired – variation rules

Impacted plant community type	Number of ecosystem credits	Containing HB1
1793-Coastal Sand Bangalay Forest	5	YES

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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 Table 1 must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table 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 Table 1 requirements must be provided to the consent authority and the Certifier prior to release of construction certification.

Table 1 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Chalinolobus dwyeri</i> / Large-eared Pied Bat	8	Any in NSW
<i>Vespadelus troughtoni</i> / Eastern Cave Bat	8	Any in NSW

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

**Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works.

The Project Ecologist must be an accredited assessor under the NSW Biodiversity Conservation Act 2016.

Employment of a Project Ecologist is to provide an engagement letter, which is to be submitted to and certified by the Certifier prior to issue of Construction Certificate.

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

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

### **Compliance with BDAR Recommendations – During Construction and Demolition**

All 'during-construction and demolition' biodiversity-related measures specified in Tables 31 and 32 of the approved BDAR (LandEco Consulting, 2 February 2023) are to be implemented at the appropriate stage of the development. Compliance with these measures is to be certified by the Project Ecologist and evidence provided to the Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with impact avoidance and mitigation measures of the approved BDAR.

### **Wildlife Protection**

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

Reason: To protect native wildlife.

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

### **Compliance with BDAR Recommendations – Post Construction and Demolition**

All post-construction biodiversity-related measures specified in Tables 31 and 32 of the approved BDAR (LandEco Consulting, 2 February 2023) are to be implemented at the appropriate stage of the development. Compliance with these measures is to be certified by the Project Ecologist and evidence provided to the Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with impact avoidance and mitigation measures of the approved BDAR.

### **Protection of Habitat Features – Certified by Ecologist**

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.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

### **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.