

## Natural Environment Referral Response - Biodiversity

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| <b>Application Number:</b>             | DA2019/0712  |
| <b>Responsible Officer</b>             | Rebecca Englund  |
| <b>Land to be developed (Address):</b> | Lot 10 DP 1092275 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108 |

### 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

This application was assessed against Pittwater LEP Clause 7.6 Biodiversity. The property also contains mapped EECs within the SMCMA V3 mapping project (OEH 2016) and several threatened species records, including White-bellied Sea-eagle, Powerful Owl, Red-crowned Toadlet, and threatened microbats, the Greater Broad-nosed Bat and Southern Myotis.

The proposal is for the restoration of six cabins at Currawong State Park, including construction of a new bathroom for 5 cabins, removal and replacement of roofing and new watertanks for each cabin, bushfire mitigation upgrades i.e. meshing etc., and extending the formalised APZ by 0.18 ha around Possum and Echidna cabins. No EECs are in the vicinity of the works.

The submitted **Environmental Impact Assessment for APZ modification** report (Kleinfelder, 29/09/2019) identified an additional threatened species, being the Glossy Black-cockatoo (GBC) through evidence of cone chews underneath *Allocasurina torulosa* trees (T125, T127, T145). The impacts of the 0.18 ha APZ modification is stated as being "*removal of a small number of regrowth trees*".

The EIA author also states that;

- *"All trees can be retained within 5m of the development. A full list of tree species and their habitat value is provided in Table 3 Appendix 3. **Tree species will require management to separate canopy connections and lift canopy to greater than 4m from ground layer (pruning) to meet NSW bushfire standards.** Up to 10% shrub cover in isolated parcels will be retained as long as there is no link between unmanaged bushland and the cottages."*
- *"Feed trees will be retained for Glossy-black Cockatoo"*
- *"Eleven (11) threatened fauna species, including six bird species (Glossy-black Cockatoo, Little Lorikeet, Swift Parrot, Barking Owl, Powerful Owl and Masked Owl) and five mammal species (Little Bent-wing Bat, Eastern Bentwing-bat, Eastern Freetail-bat, Grey-headed Flying-fox and Greater*

*Broad-nosed Bat*) were assessed as having potential habitat within the study area. Assessments of Significance concluded that the modification of 0.18 ha of potential breeding and foraging habitat for these species is unlikely to have a significant impact on locally occurring populations due to the large area of suitable vegetation to remain adjacent to the site. The preparation of a Species Impact Statement for the proposed renovation and APZ is not required."

The **Bush Fire Assessment Report** (Kleinfelder, 3/10/2018) states that, "APZ should retain all trees (mature trees greater than 100mm diameter at breast height), but provide management to separate canopy connections and lift canopy to greater than 4m from ground layer (pruning)", which results in all surveyed trees being retained, including all GBC feed trees.

During the site inspection, multiple Glossy Black-cockatoo individuals were observed foraging within *Allocasurina torulosa* trees west of the cabins, between cabin "Magpie" to the south and "Echidna" to the north. The cockatoos were also observed to forage in *A. torulosa* trees to the north, extending north of the existing conference centre. Threatened Grey-headed Flying-foxes were observed foraging in the *Ficus sp.* near the foreshore. An additional seventeen (17) surveyed trees were confirmed to be feed trees during the inspection, these trees are numbered and mapped as T130, T131, T132, T133, T134, T135, T136, T143, T146, T147, T148, T149, T152, T163, T164, T165, T172.

The threatened Glossy Black-cockatoo feeds almost exclusively on the seeds of particular *Allocasuarina* and *Casuarina* species. Matt Cameron studies the foraging ecology of the GBC and in his 2005 study he found that, "Their specialised diet and low rates of food intake may make Glossy Black-Cockatoos susceptible to even small changes in their food supply." and that "There was no evidence to suggest that Glossy Black-Cockatoos were able to compensate for a reduction in food supply by increasing the rate at which they processed food."

The 0.18 ha of vegetation to be formalised as an APZ is already being managed as an APZ. The Project Ecologist will be required to undertake direct supervision of any pruning of *Allocasurina torulosa* trees to ensure no cones-producing branches are lopped (T163 and T164 are overhanging Echidna cabin and are within the proposed "5m managed vegetation buffer").

The RFS referral response may need to be reviewed if there are any requirements which result in the removal / significant pruning of any female *Allocasurina torulosa* trees identified as known feed trees, especially T163, T164, T165 and T172.

Council's Natural Environment - Biodiversity section raises no objections to the proposal, subject to conditions.

### **Referral Body Recommendation**

Recommended for approval, subject to conditions

### **Recommended Natural Environment Conditions:**

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **Engage a Project Arborist**

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and direct supervision all works within 5m of significant trees.

Evidence demonstrating Project Arborist engagement is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

**Reason:** Tree protection in accordance with relevant Natural Environment LEP/DCP controls

### **Amendment of Landscape Plans**

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

- Deletion of *Imperata cylindrica*, *Lomandra longifolia* var. *longifolia*, *Gahnia grandis* (due to being highly flammable species and non-local natives)
- Replacement with *Hibbertia scandens*, *Correa reflexa*, *Hardenbergia violacea*

The amended Landscape Plan is to be certified by a qualified landscape architect, arborist or ecologist prior to issue of the Construction Certificate.

**Reason:** To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

### **Preparation of Environmental Management Checklist**

A Construction Environmental Management Checklist is to be prepared by the Project Ecologist and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the checklist must include all requirements of conditions of this consent addressing construction-related impacts on biodiversity, including but not limited to:

- Preparation of a site Induction which addresses the sites' biodiversity values, particularly the threatened Glossy Black-cockatoo and its habitats and any mitigation measures, such as noise reduction and work hours, to minimise impacts to this species throughout construction.
- Direct supervision of pruning of any *Allocasurina torulosa* trees to ensure no loss of cone-producing branches
- Supervision of any vegetation removal, including the dead tree if it is required to be removed to comply with bushfire mitigation measures
- Relocate Coarse Woody Debris

The Checklist is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

### **Preparation of a Tree Protection Plan**

No trees within the proposed APZ with a DBH greater than 100mm are approved for removal.

A Tree protection Plan, prepared by a minimum AQF level 5 Arborist, shall be issued to the Certifying Authority documenting the extent and alignment of tree protection fencing for all existing prescribed trees within 5 metres of the proposed works. All tree protection measures is to be in accordance with AS4970-2009.

**Reason:** to protect existing trees not impacted by the development.

### **Engage a Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the following approved reports:

- Environmental Impact Assessment for APZ modification report (Kleinfelder, 29/09/2019)
- Bush Fire Assessment Report (Kleinfelder, 3/10/2018)

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 assessor accreditation under the NSW Biodiversity Conservation Act 2016 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Employment of a project ecologist is to be certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### **Construction Environmental Management Checklist Inductions**

All workers, including site inspectors and sub-contractors, are to be briefed on measures specified in the Construction Environmental Management Checklist through a site induction prior to workers commencing their works. Evidence of the site induction is to be documented and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

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

### **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 in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

### **No Material Storage within 5m/calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m or the notional TPZ of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

**Reason:** To protect and retain trees proposed for retention.

### **Tree Protection during work - No Works within 5m/calculated Tree Protection Zone (TPZ)**

The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks or the calculated TPZ of trees to be retained are not permitted, and the storage of

spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk or the calculated TPZ of a tree to be retained, is not permitted.

**Reason:** To protect and retain trees/the natural environment proposed for retention.

#### **Relocation of Logs and Coarse Woody Debris**

All logs and branches are to be salvaged from trees prior to any vegetation clearing and reused as fauna habitat within the bushland areas outside of the APZ.

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

**Reason:** To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

#### **Implementation of Construction Environmental Management Checklist**

Construction is to be undertaken in accordance with the Constructional Environmental Management Checklist. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

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

#### **Implementation of the Tree Protection Plan - Certified by Project Arborist**

All trees that are specifically nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during any vegetation clearing, demolition, excavation and construction on the site in accordance with the approved Tree Protection Plan. All tree protection measures are to be in accordance with Australian Standards AS 4970—2009 'Protection of Trees on Development Sites'.

A certificate demonstrating compliance must be prepared by the project arborist and submitted to the Principal Certifying Authority prior to commencement of any works on the site.

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

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

#### **Certification of Tree Protection – Certified By Project Arborist**

All tree protection measures to be implemented, as specified in the approved Tree Protection Plan and these conditions of consent are to be implemented at the appropriate stage of development.

Completion of arborist requirements and satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

**Reason:** To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

#### **Implementation of Construction Environmental Management Checklist**

Construction is to be undertaken in accordance with the Constructional Environmental Management

Checklist. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

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

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

All natural landscape features, including rock outcrops, native vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.

Details demonstrating compliance are to be certified by the project ecologist and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

**Reason:** To protect wildlife habitat 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](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

**Reason:** Weed management.

#### **Clearance of Structures from Trees**

A minimum of 200mm clearance is to always be maintained from proposed bearers, joists and decking to the tree trunk of any native tree unless prior written approval from Council.

**Reason:** To protect existing trees.

#### **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.

#### **Protection of Trees and Bushland Vegetation**

All existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

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

#### **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.