

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/2163
Proposed Development:	Construction of a dwelling house
Date:	12/04/2023
Responsible Officer	Adam Susko
Land to be developed (Address):	Lot 1 DP 1044346 , 1 / 46 Lane Cove Road INGLESIDE 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

AMENDED COMMENTS 11/04/2023

The proposal has been assessed against the following relevant provisions:

- Vegetation SEPP 2017
- Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection
- Pittwater 21 DCP - Clause B4.18 Heathland/Woodland Vegetation

A Flora and Fauna Assessment Report (Kingfisher Urban Ecology and Wetlands, April 2023) has been submitted with the application. The FFA has confirmed that the proposed development will not trigger entry into the Biodiversity Offsets Scheme by triggering the area clearing threshold.

Additionally, the FFA has concluded that no significant habitat and threatened species will be impacted by the development and has recommended the establishment of a Vegetation Management Plan in order to control the spread of weeds of national significance (WONS) present on the site.

A site visit conducted on 11/04/2023 has confirmed the presence of a range of WONS including and not limited to: *Ludwigia peruviana*, *Solanum chrysotrichum*, *Cortaderia* sp., *Lantana camara*, *Ipomoea* sp., *Araujia sericifera* and *Senecio madagascariensis* among others. Conditions will apply to ensure these weeds are managed before, during and after CC.

ORIGINAL BIODIVERSITY COMMENTS (21/02/2023)

The proposal seeks approval for the construction of a dwelling house.

The proposal has been assessed against the following relevant provisions:

- Vegetation SEPP 2017
- Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection
- Pittwater 21 DCP - Clause B4.18 Heathland/Woodland Vegetation

As part of the proposal, the applicant wishes to relocate the position of the driveway from its existing location. The proposed location of the driveway will require additional native vegetation clearing which may impact upon known threatened flora records within the site. As a result, an ecologist who is an accredited assessor under the Biodiversity Assessment Method (BAM) is required to be engaged by the applicant to determine the likelihood of impacts on threatened species and determine the extent of required vegetation clearing under the current proposal.

The ecologist is required to determine whether total future vegetation clearing (including any future clearing entitlements that may apply under the 10/50 rule) will trigger entry into the Biodiversity Offsets Scheme (BOS). If native vegetation clearing exceeds the clearing threshold, a Biodiversity Development Assessment Report (BDAR) will be required to be prepared by the accredited assessor and submitted as additional information. If it is determined that the clearing threshold is not exceeded, thus not triggering the BOS, a Flora and Fauna Assessment (FFA) Report is to be submitted as additional information. The FFA should include information on how the BOS was not triggered.

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 pre-construction biodiversity-related measures recommended by the project ecologist in the submitted Flora and Fauna Assessment Report are to be complied with including with a focus on a Vegetation Management Plan for weed control and replacement of Biodiversity Habitat with adequate replanting of species.

Compliance with pre-construction measures are to be certified by the Project Ecologist and provided to the Certifier prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

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 in accordance with the Flora and fauna Assessment Report (Kingfisher April 2023)

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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Wildlife Protection

If construction activity associated with this development results in injury or displacement 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.

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 areas of retained native vegetation on the site.

Reason: To protect wildlife habitat.

Clearing for Asset Protection Zones – Project Ecologist to Certify

Clearing of vegetation during works for APZ establishment must only occur within the marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries, except works in accordance with approved weed management activities.

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Principal Certifier.

Reason: To protect native vegetation and wildlife.

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

Planting Areas of Native Vegetation

Areas proposed for revegetation mapped within the approved ecological assessment report (Kingfisher Urban Ecology and Wetlands, April 2023) are to be planted with locally native species at the following minimum densities:

- 4 shrubs/groundcovers per 1m²
- 1 tree per 4m²

The Project Ecologist is to provide written certification of compliance to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect and maintain native vegetation and wildlife habitat.

New Vegetation Planting

Landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Gardening Booklet available on Council's website.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native 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) 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.

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.