

## Natural Environment Referral Response - Biodiversity

|                                        |                                                              |
|----------------------------------------|--------------------------------------------------------------|
| <b>Application Number:</b>             | DA2023/1368                                                  |
| <b>Proposed Development:</b>           | Demolition works and construction of a secondary dwelling    |
| <b>Date:</b>                           | 05/02/2024                                                   |
| <b>Responsible Officer</b>             | Olivia Ramage                                                |
| <b>Land to be developed (Address):</b> | Lot 33A DP 359416 , 56 Central Road AVALON BEACH<br>NSW 2107 |

### 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

An amended BDAR prepared by Fraser Ecological (February 2024) has been submitted with the application. The BDAR confirms the presence of highly degraded Pittwater and Wagstaffe Spotted Gum Forest, which is listed as an Endangered Ecological Community (EEC) under the NSW Biodiversity Conservation (BC) Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of less than 0.02ha of highly degraded PWSGF EEC, including the removal of two native trees as identified by the Arboricultural Report.

The assessed residual impacts of the development result in the following offset requirements under the Biodiversity Offsets Scheme:

- Retirement of one Species Credit for *Chalinolobus dwyeri*

The retirement of offsets will be conditioned as part of the consent.

The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

#### ORIGINAL COMMENTS

The proposal seeks approval for demolition works and construction of a secondary dwelling. The comments in this referral relates to the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Pittwater DCP 21 - Clause B4.6 Wildlife Corridors

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

A BDAR prepared by Fraser Ecological (August 2023) has been submitted with the application. The BDAR confirms the presence of remnants of highly degraded Pittwater Spotted Gum Forest (PSGF) which is listed as an Endangered Ecological Community (EEC) under the NSW Biodiversity Conservation Act 2016 (BC Act). In accordance with the BDAR, the proposed impacts to biodiversity include the removal of 0.01 Ha of PSGF EEC through the removal of two native *Corymbia gummifera* (Red bloodwood), trees identified as trees 3 and 4 on the submitted arboricultural impact assessment (Bradshaw Consulting Arborists, August 2023). The assessed residual impacts result in no generation of ecosystem or species credits. It is noted that the assessment has considered an area of impact of 0.02 Ha in the BAM Calculator following the precautionary principle.

However, upon review of the information input into the BAM Calculator, only 4 species detected onsite have been classified as trees when a total of 7 species should have been classified as trees in accordance to the Native Species by Growth Form list available in the BAM Calculator. Therefore, the following species present onsite will have to be reclassified as trees to ensure that the weighted VI scores are adjusted accordingly:

- *Syzygium leuhmannii*
- *Callistemon viminalis*
- *Syzygium smithii*

Additionally, targeted surveys for the following species have been conducted but have not been included in the BAM calculator: *Genoplesium baueri*, *Diuris bracteata*, *Hygrocybe aurantipes* and *Rhodamnia rubescens*. The months in which the surveys have been conducted will have to be turned back on and justification provided as to their removal of the final candidate species list included in the report.

A known bat roosting site (St Michaels Cave) is located within two kilometres of the site. Therefore, inclusion of candidate species should be considered in the calculations for the purposes of credit generation.

It is noted that the proposal has considered the Biodiversity comments from the Pre-Lodgement meeting and avoided and minimised impacts to biodiversity and reduced the number of trees to be removed from 7 trees (4,7,10,11,12,13 and 14) down to two trees (3 and 4). However, no replacement plantings have been considered, inclusion of 1:1 replacements will have to be considered. Once the BDAR has been amended and resubmitted, the Biodiversity referral will be completed.

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 impact mitigation measures specified in the approved Flora and Fauna Assessment Report/Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

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

**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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

**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 as indicated in the BAM Credit Report must be retired to offset the impacts of development.

The requirement to retire credits outlined in the Species Credit Summary 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 the BAM Credit Summary Report offset requirements must be provided to the Satisfaction of Councils Bushland and Biodiversity team and the Principal Certifier prior to release of construction certification.

Evidence will be in the form of:

- A copy of the confirmation email (from the BOS Credits team) to show that the correct type and number of credits have been retired, and from a relevant IBRA sub-region as per the offset rules, or
- If paid into the Biodiversity Conservation Fund, a copy of the section 6.33 statement.

Species Credit Summary required to be retired – like for like

| Impacted species<br>credit species | Number of species credits | IBRA sub-region |
|------------------------------------|---------------------------|-----------------|
|------------------------------------|---------------------------|-----------------|

|                                                   |   |           |
|---------------------------------------------------|---|-----------|
| Chalinolobus<br>dwyeri<br>Large-eared Pied<br>Bat | 1 | Pittwater |
|---------------------------------------------------|---|-----------|

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

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

### Compliance with Ecologist's Recommendations – During Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report/Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

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

### Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed 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.

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

### Replacement of Canopy Trees

At least 2 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings 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.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

### 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.