

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/0342
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Date:	23/05/2023
Responsible Officer	Brittany Harrison
Land to be developed (Address):	Lot 289 DP 16362 , 12 - 14 Rock Bath Road PALM BEACH NSW 2108 Lot 290 DP 16362 , 12 - 14 Rock Bath Road PALM 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

The proposal seeks approval for demolition works and construction of a new dwelling. The comments on this referral relate to the following applicable controls and provisions:

- State Environmental Planning Policy (Resilience and Hazards) 2021 - Coastal Environment Area
- Pittwater LEP 2014 - Clause 7.6 - Biodiversity Protection
- Pittwater 21 DCP - Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The proposal was submitted with the following Biodiversity Related reports relevant to this referral:

- Flora and Fauna Assessment report (Land Eco Consulting, February 2023)
- Arboricultural Impact Assessment (Redgum Horticultural, November 2022)
- Landscape plan (Geoscapes, March 2023)
- Silt and sedimentation plan (James Taylor and Associates, February 2023)

The Flora and Fauna report submitted with the application confirms that the proposal will not negatively impact native flora and fauna. The report has also concluded that entry into the Biodiversity Offsets Scheme will not be triggered as the vegetation clearing thresholds will not be reached. However, the report has also concluded that Weeds of National Significance (WONS) are present on site. Therefore,

conditions will apply to ensure their removal and active management are in place.

The arboricultural impact statement has assessed two trees as part of the application. T1 (*Acacia longifolia*) is found in the neighbouring property. The removal of T2 (*Banksia integrifolia*) has already been approved as part of DA2022/0793 and has been conditioned. Biodiversity conditions attached to DA2022/0793 will stand unless amended by the conditions set for DA2023/0342.

The landscape plan submitted with the application is found to be compliant with PDCP B4.4 and includes at least 80% native vegetation. It is noted that this has also been confirmed in the Flora and Fauna assessment report submitted with the application.

The Silt and Sedimentation plan shows that no Sediment fencing will be used on the North-Eastern edge of the site (cliff face), this will have to be revised as the slope could allow for runoff to reach the ocean and the additional nutrient load could have a detrimental impact on the vegetation along the cliff face. This matter will be deferred to the Coast and Catchments team and/or other responsible team.

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

Adherence to Natural Environment Consent Conditions

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2020/0793, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

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 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 *Banksia integrifolia* (Non cultivar or hybrid species) are to be planted on the site to replace protected trees approved for removal.

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.

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 using an appropriate control method.

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.