

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0309
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 171 DP 15376 , 257 Whale Beach Road WHALE BEACH 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

This application has been assessed under Pittwater LEP Clause 7.6 and DCP B4.17 Littoral Rainforest EEC.

The proposal is for demolition of the existing dwelling and construction of new multi-level terraced dwelling with double garage, swimming pool, access driveway, turntable, terraces, landscaping and fencing. No native trees or vegetation are proposed to be removed.

The sites' vegetation currently consists of one large Norfolk Island pine and exotic invasive understorey with scattered native species. The Arborist report (Plateau Trees 21/03/2019) assesses the pine (including root mapping within the SRZ) and provides mitigation measures to be implemented throughout construction to ensure the safe retention of this tree. The site also contains large natural rock outcrops. The eastern boundary directly connects to the sand dunes of Whale Beach.

The submitted Landscape Plan (Walter Barda Design 19/03/2019) includes mostly local native species east of the proposed dwelling and pool and proposes planting of 66 trees and small trees. All *Cupaniopsis anacardioides* must be replaced with a non-invasive tree species.

It should be noted that the Stormwater Concept Design (SGC 21/03/2019) appears to show the need to excavate an existing rock outcrop (which is proposed to be retained) and also directly conflicts with the proposed path and native planting within submitted Landscape Plan. The Stormwater piping, dispersal trench, and rock rip rap must be relocated to an area which avoids impacts to the rock boulders and outside of proposed landscaping, preferably west of the rock outcrops.

Council's Natural Environment - Biodiversity section supports the application, 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**

Amendment of Stormwater Concept Design

The Stormwater Concept Design (SGC 21/03/2019) is to be amended to avoid impacts to rock outcrops proposed to be retained and minimise impacts to the proposed native vegetation planting.

The amended Stormwater plans are to be reviewed and certified in writing by a qualified landscape architect, arborist or ecologist, and evidence provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

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

Preparation of Erosion and Sedimentation Control

An Erosion and Sediment Control Plan is to be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Sediment fencing must be located west of the existing rock outcrops to ensure protection of sand dunes and native vegetation east of the proposed dwelling.

Reason: To protect natural features and habitats 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 *Cupaniopsis anacardioides*
- Replacement with another local native tree species already proposed

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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Implementation of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Walter Barda Design 19/03/2019) and as amended by these conditions of consent. The new landscaping is to be certified in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of the Occupation Certificate.

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

No Material or Waste Storage east of the proposed building works

No storage of building materials or building waste, excavated fill or topsoil storage is to occur east of the proposed building works or within 5m trees shown on the approved proposal plans 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.

Implementation of Erosion and Sediment Control Plan

The Erosion and Sediment Control Plan is to be fully implemented and measures are to remain in effective operation until all development activities have been completed and the site fully stabilised. Evidence of compliance is to be certified by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect natural features 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 Erosion and Sediment Control Plan

The Erosion and Sediment Control Plan is to be fully implemented and measures are to remain in effective operation until all development activities have been completed and the site fully stabilised. Evidence of compliance is to be certified by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls

Priority Weed Removal and Management

All Priority weeds (as specified in Appendix 1 of the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022) on the site are to be removed and managed. Details demonstrating the removal and management of weeds are to be prepared by a qualified ecologist/bush regenerator in writing and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds, 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

Reason: Weed management.

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.

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.