

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/1295
Proposed Development:	Alterations and additions to a dwelling house including secondary dwelling
Date:	29/11/2024
Responsible Officer	Nick England
Land to be developed (Address):	Lot 12 DP 31294 , 7 Crane Lodge Place 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 has been assessed against the following biodiversity-related provisions:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- NSW Biodiversity Conservation Regulation 2017
- Pittwater LEP Clause 7.6 - Biodiversity Protection
- Pittwater DCP Clause B4.7 - Pittwater Spotted Gum Forest Endangered Ecological Community

Portions of vegetation within the subject site have been identified on the NSW Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Biodiversity Values Map (BV Map). Any impacts to native vegetation within the BV Map area will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and require a Biodiversity Development Assessment Report (BDAR) to be submitted in support of the application.

The proposal will require removal of two Spotted Gums (Trees 2 and 5) which are located outside of the BV Map area. As such, the proposal as submitted does not trigger entry into the BOS, and a BDAR is therefore not required. However, should the works result in impacts to vegetation within the BV Map area (including significant Trees 4, 8, 9, 11, 12 and 13), an additional consent application will be required and must be accompanied by a BDAR, prepared by an ecologist accredited in application of the NSW Biodiversity Assessment Method.

The two trees proposed for removal are currently in close proximity to existing approved buildings, and as such may already meet the thresholds for the proximity exemption under PDCEP B4.22. Should the

development be approved, an additional condition is recommended so that trees to be retained under this consent cannot be removed under the PDGP B4.22 proximity exemption in future.

The proposed new landscaping is generally consistent with the requirements of PDGP B4.7, and conditions recommended by the Landscape referrals body will assist in retaining significant trees on site.

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Pre-clearance Survey - Certified by Project Ecologist

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by a suitably qualified ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the ecologist and/or a licensed wildlife carer to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the consulting ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

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

Protection of Habitat Features

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

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

Reason: To protect wildlife habitat.

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.

No impact to native vegetation within Biodiversity Values Map

Any impacts to any native vegetation within the area mapped as Biodiversity Values Map will require an application for development consent which must be accompanied by a BAM-compliant Biodiversity Development Assessment Report, unless otherwise approved under an existing development consent, Council permit, Local Land Services Native Vegetation Panel permit, or Threatened Species License.

Compliance with this condition is to be confirmed in writing and provided to the Certifier prior to issue of any Occupation Certificate.

Reason: To prevent unlawful impacts to the Threatened Ecological Community and Biodiversity Values Map area on the site.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Removal of exemption under B4.22 of Pittwater 21 Development Control Plan

The following tree removal exemption, as set out in Pittwater DCP B4.22, is to be extinguished for the site for the life of the development:

- "Council's authority is not required for removal of a tree where the base of trunk at ground level is located within two metres of an existing approved building".

Approval in the form of a Council tree permit, development consent or threatened species license will be required for the removal of any prescribed native trees within 2m of any approved buildings.

Reason: To protect retained trees within 2m of the approved buildings.