

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/0607
Proposed Development:	Subdivision of two lots into three and construction of three dwelling houses with swimming pools
Date:	18/07/2023
Responsible Officer	Alex Keller
Land to be developed (Address):	Lot 21 DP 10782 , 175 Whale Beach Road WHALE BEACH NSW 2107 Lot 22 DP 10782 , 173 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

Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable controls:

- Biodiversity Conservation Act 2016 (BC Act)
- Biodiversity Conservation Regulation (BC Reg)
- Pittwater LEP 2014 cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- Pittwater 21 DCP cl. B4.17 Littoral Rainforest - Endangered Ecological Community
- State Environmental Planning Policy (Resilience and Hazards) 2021 cl. 2.10 Coastal Environment Area

The Development Application seeks consent for the subdivision of two lots into three and construction of three dwelling houses with swimming pools.

The Arboricultural Impact Assessment (Urban Arbor, May 2023) submitted with the application has identified that all trees within the two lots will require removal. Trees to be removed consist of a mix of exempt (Tree 2), dead (Trees G1), and prescribed (Trees 1, 3, 4, 5, 6, 7, 8, 9). It is noted that all trees that require removal with the exception of one (Tree 9) were classified by the Arborist to be in poor or fair health. The submitted Landscape Plan (Fiona Cole Design 1/5/23) is noted and is comprised with a suite of suitable native species to the satisfaction of the applicable controls.

In accordance with PDCP cl. B4.4 Development shall provide an adequate buffer to wildlife corridors. As such, a 5m landscaped vegetation buffer is to be established along the northern boundary adjoining Careel Headland Reserve, and the proposed lower crushed sandstone paving areas are to be set back 5m from the rear boundary and are not to be located within the vegetated buffer. The buffer area is to be cleared of weeds and planted with suitable native species to provide flora and fauna habitat and wildlife corridors by active restoration, regeneration, and/or creation for compliance with PDCP cl. B4.4. The Landscape Plan is to be amended to reflect these comments and associated imposed conditions.

Subject to these comments and conditions, the development is designed, sited and will be managed to minimise any significant adverse environmental impact.

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

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.

Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Establishment of a 5m landscaped buffer between the north-eastern property boundary and the proposed 'crushed sandstone paving' areas, as per Lot C.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

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.

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.