

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/2416
<b>Date:</b>	31/01/2022
<b>Responsible Officer</b>	Adam Mitchell
<b>Land to be developed (Address):</b>	Lot 1 DP 1144798 , 155 Pacific 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 application seeks approval for the partial demolition of existing dwelling and the construction of new dwelling comprising the retention of substantial portions of the existing dwelling, together with a detached studio and swimming pool. In addition, the application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity.

Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:

#### **Biodiversity Conservation Act 2016 (BC Act) Pittwater Local Environmental Plan (PLEP)**

- 7.6 Biodiversity Protection

#### **Pittwater Development Control Plan (PDCP)**

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

The application seeks to remove 10 trees, of which 7 are exempt by species or height:

- T3 Pittosporum undulatum (exempt by height)
- T4 Phoenix canariensis (exempt by species)
- T6 Phoenix canariensis (exempt by species)
- T11 Plumeria acutifolia (exempt by height)
- T19 Syzygium australe (exempt by height)

- T21 Glochidion ferdinandi
- T22 Syncarpia glomulifera
- T23 Phoenix canariensis (exempt by species)
- T24 Brachychiton acerifolius (exempt by species)
- T36 Lophostemon confertus

No objection is raised to the removal of T36 by Council's Biodiversity referral team given it is planted outside natural distribution. Further, the proposed removal of T21 & T22 is considered acceptable given the poor health of both trees, and subject to the replacement of both with equivalent, locally-native canopy trees.

The submitted Landscape Plan (Dangar Barin Smith 2021) demonstrates that >80% of proposed planting are 'native', however DCP B4.7 requires:

- *Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community).*

The Landscape Plan to be amended such that 80% of proposed plantings are consistent with the locally-occurring community - Pittwater Spotted Gum Forest:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing>

The Landscape Plan must also include provision of at least one canopy tree (*Corymbia maculata*, *Eucalyptus botryoides*, *E. paniculata*, *E. punctata*, *E. umbra*, or *Syncarpia glomulifera*) as replacement for the proposed removal of T22. The provision of these replacement plantings ensures consistency with B4.7 of the Pittwater DCP.

Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.

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**

#### **Amendment of Landscape Plans**

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

- Provision of at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community).

The Landscape Plan to be amended such that 80% of proposed plantings are consistent with the

locally-occurring community - Pittwater Spotted Gum Forest:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing>

The Landscape Plan must also include provision of at least one canopy tree (*Corymbia maculata*, *Eucalyptus botryoides*, *E.paniculata*, *E.punctata*, *E.umbra*, or *Syncarpia glomulifera*).

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

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 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 protect native wildlife.

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

### Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Dangar Barin Smith 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

### New Vegetation Planting

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the Final Determination for Pittwater Spotted Gum Forest - endangered ecological community listing:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing>

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

### No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be 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 and environmental weeds.

#### **Priority Weed Removal and Management**

All Priority weeds, including Tree 29 (Small-leaved Privet) as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the site are to be removed.

Details demonstrating compliance are to be 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.

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

#### **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

#### **Replacement of Canopy Trees**

Tree replacement plantings required under this consent 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.

Reason: To replace locally native trees.

#### **Maintenance of Asset Protection Zones**

Vegetation clearing for ongoing APZ maintenance must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.