

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/2239
Date:	02/05/2022
Responsible Officer	Adam Mitchell
Land to be developed (Address):	Lot 170 DP 15376 , 255 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

Updated Biodiversity Referral Comments (2 May 2022):

The following information has been considered in this updated biodiversity referral:

- Landscape Plans, Dangar Barin Smith (7 April 2022)
- Flora and Fauna Assessment, GIS Environmental Consultants (8 October 2021)
- Bushfire Assessment Report, Building Code & Bushfire Hazard Solutions (11 November 2021)

Vegetation within the eastern (rear) portion of the site contributes to connectivity of the coastal biodiversity corridor; as such, no removal of native vegetation or wildlife habitat (including the brush-turkey mound) is permitted in this area.

The submitted landscape plans satisfactorily address the relevant landscaping requirements of PDCP Clause B4.17.

The proposal is supported, subject to recommended conditions.

Original Biodiversity Referral Comments (5 January 2022):

The following biodiversity controls apply to the subject site:

- Pittwater LEP Clause 7.6 (Biodiversity Protection)
- Pittwater DCP Clause B4.17 (Littoral Rainforest Endangered Ecological Community)

PDCP Clause B4.17 includes a requirement that "development shall ensure that at least 80% of any

new planting incorporates native vegetation". It is unclear from the submitted documentation whether the new proposed landscaping will comply with this requirement, however it is noted that the Landscape Referrals Body has requested submission of detailed Landscape Plans as additional information. This would also assist in assessing the proposal's compliance with applicable biodiversity-related controls. As such, the Biodiversity Referrals Body will recommence assessment of the proposal following provision of Landscape Plans which comply with relevant requirements of the applicable biodiversity and landscaping 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 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 registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

Compliance with ecologist recommendations - during construction

All during-construction biodiversity measures specified in Section 5 of the submitted Flora and Fauna Report (GIS Environmental Consultants, 8 October 2021) and these conditions of consent are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures

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

Protection of Habitat Features – Certified by Ecologist

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.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Fencing for Wildlife Passage

Any new permanent fencing (with the exception of swimming pool fencing) is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and spaced at a minimum of 6m intervals.

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

Reason: To preserve wildlife corridors.

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans 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.

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.

Wildlife Protection - Brush-turkey Habitat

The brush-turkey (*Alectura lathami*) mound in the rear yard is to be protected during construction and demolition works. No impacts to the mound or brush-turkeys are permitted without an approved License to Harm Native Animals from the NSW Department of Planning and Environment.

Written confirmation of compliance is to be prepared by the Project Ecologist and provided to the Certifying Authority prior to issue of any Occupation Certificate.

Reason: Protection of native wildlife on site.

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

Compliance with Ecologist's Recommendations – Ongoing

All ongoing biodiversity-related measures are to be implemented in accordance with Section 5 of the submitted Flora and Fauna Report (GIS Environmental Consultants, 8 October 2021) and these conditions of consent.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.