

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/1504
<b>Responsible Officer</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot 241 DP 16362 , 325 Whale Beach Road PALM BEACH NSW 2108 Lot 242 DP 16362 , 325 Whale Beach 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 proposed development has been assessed against the following relevant provisions:

- Pittwater LEP Clause 7.6 - Biodiversity Protection
- Pittwater DCP Clause B4.17 - Littoral Rainforest
- SEPP (Coastal Management) - Coastal Environment Area

The proposal is generally within the existing modified footprint, with two exempt Cabbage Tree Palms (<3m) to be removed and one protected (>3m) Cabbage Tree Palm to be relocated. Subject to implementation of tree protection measures as outlined in the submitted arborist report, it is considered that the proposal complies with the 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

### Tree Protection Measures to Be Implemented

All pre-construction tree protection measures outlined in the submitted arboricultural report are to be

implemented at the appropriate stage of development, unless modified by these conditions of consent in which case the conditions of consent will prevail. Compliance with this condition is to be certified by the Project Arborist prior to issue of the Construction Certificate.

**Reason:** To protect local native canopy trees in accordance with relevant Natural Environment controls.

### **New Landscaping**

Any new landscaping is to incorporate a minimum 60% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Gardening Booklet or Tree Guide available on Council's website. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

**Reason:** To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **Arborist Recommendations to be Implemented**

All during-construction tree protection measures, including relocation of Tree 4, outlined in the submitted arboricultural report are to be implemented at the appropriate stage of development, unless modified by these conditions of consent in which case the conditions of consent will prevail. Compliance with this condition is to be certified by the Project Arborist prior to issue of the Occupation Certificate.

**Reason:** To protect local native canopy trees in accordance with relevant Natural Environment controls.

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

### **Landscaping**

Any new landscaping is to incorporate a minimum 60% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Gardening Booklet or Tree Guide available on Council's website. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

**Reason:** To achieve compliance with relevant Natural Environment LEP/DCP controls.

### **Tree protection measures to be Certified as Complete**

Initiation/establishment of post-construction tree protection measures, including relocation of Tree 4, outlined in the submitted arboricultural report is to be certified by the Project Arborist prior to issue of the Occupation Certificate.

**Reason:** To protect local native canopy trees in accordance with relevant Natural Environment controls.

### **Priority and environmental weeds**

Landscaping is not to include any Priority or environmental weeds identified in the Northern Beaches

Council Local Priority Weed Management Plan. Evidence of compliance with this condition is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

**Reason:** To manage the spread of environmental weeds in accordance with relevant Natural Environment LEP/DCP controls.

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

### **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.