

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0124
Date:	12/04/2021
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 138 DP 16902 , 35 A Plateau Road AVALON 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 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)

- B4.17 Littoral Rainforest - Endangered Ecological Community

The site is located within the *Proximity Area to Littoral Rainforest* designated under the Coastal Management SEPP (2018), and is therefore required to meet the objectives of C.11, including avoiding impact to the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest. Stormwater discharge is to be managed through construction of a sediment arrestor pit, and the Natural Environment Unit - Biodiversity raise no concern to the removal of two (2) exempt trees (*Phoenix canariensis*; Hugh the Arborist 2020). The Arborist report identifies a single tree (T.3) that is both characteristic of Littoral Rainforest and is located within the proposed Asset Protection Area (APZ). Given the large amount of exotic or otherwise exempt species within the site, an APZ can be achieved without clearance of this tree. If the tree is required to be removed for the purposes of an APZ or otherwise, a Flora and Fauna Assessment (FFA) including 5-Part Test of Significance is required to be submitted to Council for consideration prior to any removal (As specified in the Biodiversity Notes of the Pre-Lodgement Meeting).

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

Delineation of Asset Protection Zones

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) are to be surveyed and clearly marked by way of temporary fencing, flagging tape or markers. Clearing of vegetation for APZ establishment must only occur within the marked APZ boundaries.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To protect native vegetation and wildlife.

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.

Clearing for Asset Protection Zones

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries, or outside the property boundary.

Additionally, the single Cabbage Palm (*Livistona australis* ; T3 ; Hugh the Arborist 2021) is to be retained, as the required standard for the APZ can be achieved through clearance of exotic vegetation.

Written certification of compliance is to be submitted to the Principal Certifying Authority.

Reason: To protect native vegetation and wildlife.

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

No Weeds Imported On To The Site

No Priority or environmental weeds 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 existing Priority and environmental weeds within the property are to be removed. This will assist to achieve compliance with the required vegetation cover for Asset Protection Zones (APZ).

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

Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife in accordance.