

Natural Environment Referral Response - Biodiversity

Application Number:	DA2020/1596
Date:	09/02/2021
Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 1086858 , 6 Mitchell 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

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

- Coastal Management SEPP Clause 11 Development on land in proximity to littoral rainforest
- Pittwater LEP Clause 7.6 Biodiversity Protection
- Pittwater 21 DCP Clause B4.6 Wildlife Corridors

The proposed development will require the removal of two (2) trees (Tree 8: *Washingtonia robusta* and Tree 11: *Brachychyton acerifolius*) that are listed on Council's Exempt tree species list. As such these trees do not require consent for their removal.

As the proposed development will not require the removal of any native vegetation or Prescribed trees, it is considered that the proposal complies with the above listed policy and controls, subject to these consent conditions.

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:

Compliance with Ecologist's Recommendations – Pre-construction

All pre-construction biodiversity-related measures specified in the Flora and Fauna Assessment Report (Kingfisher Urban Ecology 2020) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures are to be certified by the Project Ecologist and provided to the Certifying Authority prior to issue of the Construction Certificate.

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

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 Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

Installation of Nest Boxes

As recommended within the Flora and Fauna Assessment Report (Kingfisher Urban Ecology 2020), a minimum of two (2) nest boxes suitable for microbat species are to be installed in retained trees / throughout the trees within areas of retained native vegetation / on the site.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction in accordance with the Flora and Fauna Assessment Report (Kingfisher Urban Ecology 2020)

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifying Authority.

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

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.

Temporary Protection Fencing – Exclusion Zones

Prior to the commencement of any works onsite, temporary mesh construction fencing and trunk protection (where required) is to be installed surrounding areas of retained native vegetation on the site as outlined in the Flora and Fauna Assessment Report (Kingfisher Urban Ecology 2020) and identified

and mapped in the Arboricultural Impact Assessment (Ecological Consultants Australia Pty Ltd 2020).

Details demonstrating compliance must be prepared by the Project Ecologist and Project Arborist and submitted to the Principal Certifying Authority prior to any commencement.

Reason: To protect native vegetation.

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 Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Stephen Lesiuk) 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 on the NSW WeedWise website) 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.