

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0669
Date:	21/06/2021
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 7005 DP 1117451 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 DP 1117592 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 298 DP 721522 , 1191 Barrenjoey 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 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) State Environmental Planning Policy (Coastal Management)

- Coastal Environment Area

Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

The application seeks approval for the proposed demolition and reconstruction of the existing premises.

The following documents relating to biodiversity impact are noted within the submission:

- Ecological Assessment and Biodiversity Management Plan (Kingfisher 2021)
- Arboricultural Impact Assessment (Urban Forestry Australia 2021)
- Landscape Plan (Selena Hannon Landscape Design 2021)
- Bushfire Hazard Assessment Report (Firstfield Environmental 2020)

Review of the Aquatic Ecology Report (Cardno 2021) was also undertaken however NEU-Biodiversity defer to Council's Coast & Catchments referral team for comment on possible seagrass impacts.

To facilitate the construction of the proposal, no tree removal is proposed or required (Urban Forestry Australia 2021). Native, terrestrial vegetation is absent from within the construction footprint, and nearby biodiversity values are unlikely to be impacted by the proposal (Kingfisher 2021). Additionally, proposed native landscaping (Selena Hannon Landscape Design 2021) intends to reinstate locally-native species.

The submitted Bushfire Hazard Assessment is noted (Firstfield Environmental 2020). No native vegetation is present within the subject lot, and therefore no clearing would be proposed to establish Asset Protection Zones (APZ). As the site (Lot 298) is located outside of Bushfire Prone Land, no clearing for APZ establishment would be supported by NEU-Biodiversity, however is irrelevant in this case.

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

Compliance with Ecologist's Recommendations – Pre-construction

All pre-construction biodiversity-related measures specified in the Ecological Assessment and Biodiversity Management Plan (Kingfisher 2021) 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.

Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the Ecological Assessment and Biodiversity Management Plan (Kingfisher 2021).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifying Authority Prior to

issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Protection of Habitat Features

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

Reason: To protect wildlife habitat.

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

Compliance with Ecologist's Recommendations – Post Construction

All biodiversity-related measures are to be implemented at the appropriate stage of development in accordance with the Biodiversity Management Plan (Kingfisher 2021).

Satisfactory establishment/initiation of post-construction measures is to be certified by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

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

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.

Certification of Ongoing Work

A bushland management contract for implementation of all post-occupation biodiversity-related measures, as specified in these conditions of consent and the approved ecological report and Biodiversity Management Plan (Kingfisher 2021), is to be entered into.

Evidence of engagement in accordance with this condition is to be certified by the Project Ecologist and provided to Principal Certifying Authority and Councils Biodiversity Manager prior to issue of any Occupation Certificate.

Reason: To protect and maintain native vegetation and wildlife habitat.

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Selena Hannon Landscape Design 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.

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.

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.

Maintenance of Asset Protection Zones

Vegetation clearing for ongoing APZ maintenance must only occur within Lot 298 DP721522. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.