

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/0854
Date:	23/06/2022
Responsible Officer	Grace Facer
Land to be developed (Address):	Lot 15 DP 28669 , 974 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

The proposal has been assessed against the following applicable biodiversity-related legislation and planning provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- SEPP (Resilience and Hazards) - Coastal Environment Area
- Pittwater LEP cl. 7.6 - Biodiversity Protection
- Pittwater DCP cl. B4.2 - Flora and Fauna Conservation Category 1 and Wildlife Corridor
- Pittwater DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Portions of the site have been identified on the NSW Government's Biodiversity Values Map (BV Map) due to patches of vegetation having been mapped as Pittwater Spotted Gum Forest Endangered Ecological Community. In accordance with the NSW Biodiversity Conservation Act 2016, any impact to native vegetation within the BV Map area would trigger entry into the NSW Biodiversity Offsets Scheme (BOS). However, the submitted plans indicate that no vegetation removal is required to facilitate the development.

In addition, the submitted bushfire report (Matthew Noon, 3 March 2022) states:

"The vegetation within the site is managed to minimal fuel conditions and satisfies the APZ performance requirements stipulated in PBP (2019). The site is mapped as having biodiversity values. We confirm no vegetation (trees or shrubs) are required to be removed or modified to achieve the recommended APZ. There is therefore no impact on existing native vegetation. We require the recommended (and currently achieved) APZ to be managed in perpetuity."

The proposed alterations are within the existing development footprint and, as per the statement above, impact to native vegetation is not required for establishment or maintenance of the APZ. It is therefore considered that the proposal does not trigger entry into the BOS and is consistent with applicable planning provisions.

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.

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.

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.