

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0268
Date:	30/04/2021
Responsible Officer	Adam Mitchell
Land to be developed (Address):	<p>Lot 328 DP 16362 , 348 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 330 DP 16362 , 352 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 329 DP 16362 , 350 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 327 DP 16362 , 346 Whale Beach Road PALM BEACH NSW 2108</p>

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)

- B4.3 Flora and Fauna Habitat Enhancement Category 2
- B4.17 Littoral Rainforest - Endangered Ecological Community

The application seeks to demolish existing structures on-site and construct a new dwelling house on 348- 352 Whale Beach Road. Impacts associated with the proposal are the proposed removal of 26 trees (19 Prescribed, and 7 Exempt), as well as the establishment of an Asset Protection Zone (APZ) in areas surrounding the dwelling.

The Arborist Report (Earthscape 2021) specifies that of the 19 Prescribed trees, 11 are of moderate to high value to be replaced elsewhere within the site in accordance with the submitted Landscape Plan (Dangar Barin Smith 2021) where bushfire landscaping provisions allow.

Council's Biodiversity Officer inspected the site, and found vegetation within the proposed APZ to be largely weed infested, and expect that APZ standards can be achieved with the removal of exotic, exempt and non-locally native species only. The submitted 'Prescribed Ecological Actions Report' (Abel Ecology 2021) does not address Council's Littoral Rainforest mapping in the south of the site, however the development and APZ has been located outside of this area, and is therefore compliant with B4.17 of the PDCP.

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.

Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works.

The Ecologist is to be experienced in flora identification and is to advise on species removal for the establishment of the Asset Protection Zone, prioritising exotics species, followed by non-locally indigenous natives before any locally-native species are to be removed.

Employment of a Project Ecologist is to provide an engagement letter, which is to be submitted to and certified by the Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

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.

Clearing for Asset Protection Zones – Project Ecologist to Certify

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and permanently marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries. No clearing of native vegetation within Council mapped Littoral Rainforest is to be undertaken.

Written certification of compliance is to be prepared by the Project Ecologist and 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

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Dangar Barin Smith 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 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 Priority and environmental weeds as specified in the Prescribed Environmental Actions Report (Abel Ecology 2021) are to be removed from the site. This will assist in establishment of Asset Protection Zones to the required levels.

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

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 the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.