

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/0657
<b>Date:</b>	01/06/2021
<b>Responsible Officer</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 30 DP 13686 , 888 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)**  
**Biodiversity Conservation Regulation 2017**  
**State Environmental Planning Policy (Coastal Management)**

- Proximity to Littoral Rainforest
- Coastal Environment Area

### Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

### Pittwater Development Control Plan (PDCP)

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

The application seeks approval for additions and alterations to an existing dwelling, including detached double garage, driveway, swimming pool and associated landscaping.

It is noted that the site is included within the Department of Planning, Industry and Environment's (DPIE) *Biodiversity Values* mapping. As the proposal does not require the removal of native trees or vegetation (Hugh the Arborist 2021), nor does the proposed Asset Protection Zone (APZ) extend

beyond the existing decking footprint, the Biodiversity Offset Scheme is not triggered.

Species proposed within the submitted Landscape Plan (Wyer & Co 2021) are to be amended to meet the objectives of PDCP B4.7. As the application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values, 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**

#### **Amendment of Landscape Plans**

The submitted Landscape Plan (Wyer & Co 2021) is to be amended in accordance with the following:

- Provision of at least 80% of any new planting incorporates species listed within the Pittwater Spotted Gum Forest Final Determination

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20of%20the%20Act.>

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

### **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**

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and marked APZ boundaries i.e. 10m east of the dwelling.

Clearing beyond the 10m, approximately the edge of the existing decking, is not permitted and will trigger requirements for reassessment under the Biodiversity Conservation Regulation 2017.

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**

### **New Vegetation Planting**

Landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the Final Determination for Pittwater Spotted Gum Forest. Consideration must also be given to bushfire landscaping requirements specified in the submitted Bushfire Risk Assessment (Bush Fire Planning Services 2021).

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native 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.

## **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.