

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0900
Date:	16/11/2021
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 151 DP 6937 , 40 Sunrise 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

Updated Biodiversity Comments

It is noted that a Tree Impact Statement (Naturally Trees, October 2021) was submitted as additional information for investigations into Tree 3. The Arborist has recommended the removal of Tree 3 due to concerns on the structural health of the tree. As such, the Landscape Plan is to be amended to include replacement canopy trees within the site as per Council's Landscape Referral teams comments.

Subject to conditions, including amendments to the landscape plan, Council's Biodiversity referrals team raise no objection

Previous Biodiversity Comments

Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls:

- Biodiversity Conservation Act 2016
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor
- Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The Development Application seeks consent for the construction of a new two-storey dwelling with basement level, including a pool and attached garage.

It is noted that the following biodiversity related reports/documentation were reviewed as part of this assessment:

- Arboricultural Impact Appraisal and Method Statement (Naturally Trees, December 2020)
- Flora and Fauna Surveys and Biodiversity Impact Assessment (ACS Environmental, January 2021)
- Landscape Plan (Susan Rothwell Architects, June 2021)

The Biodiversity Impact Assessment confirmed that the proposal does not trigger the Biodiversity Offset Scheme (BOS) and thus a Biodiversity Development Assessment Report (BDAR) is not required. No threatened species or entities listed under the BC Act were confirmed on site, and after conducting a likelihood of occurrence for threatened species identified within BioNet, no 5-part tests were undertaken.

The Arborist Report identified that six (6) native prescribed trees will require removal to facilitate the proposed development. It is recommended that Tree 3 (*Melaleuca quinquenervia*) be retained as it is located outside the development footprint. Loss of native tree removal will be mitigated through replacement plantings at a 1:1 ratio to ensure that no net loss in native canopy trees is achieved in accordance with P21DCP cl. B4.2. Replacement trees are to be included in the Landscape Plan.

The Landscape Plan currently does not achieve compliance with P21DCP cl. B4.2 which requires that development ensure that at least 80% of any new planting incorporates native vegetation. Species are to be selected from Council's Native Plant Species Guide - Pittwater Ward which is available on Council's website (<https://www.northernbeaches.nsw.gov.au/node/34932>).

Subject to these conditions of consent, Council's Biodiversity referrals team are satisfied that the proposed development complies with the controls listed above.

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 Biodiversity Impact Assessment (ACS Environmental, January 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.

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.

Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

At least six (6) locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with Council's Native Gardening Guide.

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

Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction in accordance with the Biodiversity Impact Assessment (ACS Environmental, January 2021).

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.

Impacts to Protected Native Wildlife

Habitat for native wildlife including all vegetation proposed for removal is to be inspected for native wildlife by the Project Ecologist prior to removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifying Authority

Reason: To protect native wildlife.

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.

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 Impact Assessment (ACS Environmental, January 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

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 amended and approved Landscape Plan 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.

Replacement of Canopy Trees

At least six (6) locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with Council's Native Gardening Guide.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2021 – 2026) 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.

Replacement of Canopy Trees

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.