

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/0943
<b>Date:</b>	05/08/2022
<b>Responsible Officer</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 72 DP 10782 , 94 Whale Beach Road WHALE BEACH NSW 2107

### 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 proposed development has been assessed against the aims, objectives and requirements of the following biodiversity controls:-

- NSW Biodiversity Conservation Act 2016 & Regulation 2017
- Pittwater LEP cl 7.6 Biodiversity
- P21 DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor.

The SEE and Plans correctly identify that the NSW Biodiversity Values (BV) map, identifying areas of high biodiversity value, occurs within the rear of the property. The removal of any native vegetation from within the BV mapped area, whether or not exempt under the LEP, is one of the triggers into the NSW Biodiversity Offset Scheme (BOS). While the proposed decks will extend into this BV mapped area, based on the review of aerial imagery the vegetation seems to be part of a landscaped yard. The only tree marked for removal is T16 Yucca, a species that is not native to NSW. Trees 9,10,11,14 & 15 while assessed as exempt by the Arborist, are native species and may be a trigger into the BOS, and therefore the development is to ensure that they are retained.

The development is proposed in the area of least impact on native vegetation, there will be no net loss of native vegetation and is designed, sited and will be managed to avoid any significant adverse environmental impact

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**

**No Clearing of Vegetation**

No native vegetation is to be cleared from within the NSW Biodiversity Map area, the extent of which is shown on the submitted Plans.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**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.

**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**

**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.

**Priority Weed Removal and Management**

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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 and areas mapped as High Biodiversity value.