

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/1443
<b>Date:</b>	03/09/2021
<b>Responsible Officer</b>	Julie Edwards
<b>Land to be developed (Address):</b>	Lot 2A DP 8595 , 163 Pacific Road PALM BEACH NSW 2108 Lot 1 DP 953004 , 163 Pacific Road PALM BEACH NSW 2108 Lot 2 DP 953004 , 163 Pacific Road PALM BEACH NSW 2108 Lot 2 DP 953003 , 163 Pacific 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 application seeks approval for the use of an existing detached covered parking facility which has been constructed without prior approval and provides for covered car parking facilities and covered all-weather access to the approved vertical passenger lift/elevator adjacent to the entry to the dwelling. The application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity. 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)**

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

Impacts associated with the works included the removal of exempt *Cupressus leylandii*, that did not require Council's approval for removal. The site has an existing approved APZ (DA2020/1435),

therefore the APZ associated with this DA does not require additional biodiversity consideration.

The application did not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. 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**

**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.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**New Vegetation Planting**

Any future 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 in accordance with PDCP4.7:

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Scientific-Committee/Determinations/2013/pittwater-wagstaffe-spotted-gum-forest-nsw-scientific-committee-final-determination.pdf?la=en&hash=95E95CC5FFA86592227BE0A6B42614F597BCE468>

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 (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.

## 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 Lot 2/ DP 953004 boundary, in accordance with the recommendations of the Bushfire Report. No clearing is to be undertaken outside of the APZ boundaries, including within the land parcels to the north under the same ownership (Lot 1 / DP 953004 & Lot 2 / DP 953003).

Reason: To protect native vegetation and wildlife.