

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	Mod2023/0171
<b>Proposed Development:</b>	Modification of Development Consent DA2021/0669 granted for Demolition works and construction of a new restaurant, carparking and associated uses, including a Voluntary Planning Agreement
<b>Date:</b>	24/05/2023
<b>Responsible Officer</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 7005 DP 1117451 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 DP 1117592 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 298 DP 721522 , 1191 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

The proposal seeks approval for modifications to DA2021/0669.

The comments in this referral relate to the following controls and provisions:

- Biodiversity Conservation Act 2016
- SEPP (Resilience and Hazards) 2021 - Coastal Environment Area
- Pittwater LEP 2014 - Part 7.6 Biodiversity Protection

No tree removal is required as part of the modifications and as per previous Biodiversity Referral Response, the Biodiversity referral team defer to Council's Coast and Catchments referral team for comment on possible seagrass impacts.

No new conditions of consent will apply.

No native vegetation or fauna habitat will be impacted and the development 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**

**Adherence to Natural Environment Consent Conditions**

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2021/0669, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.