

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/0922
Date:	29/06/2022
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 1 DP 712236 , 39 B Ocean 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 proposed development has been assessed against the following biodiversity related control

- State Environmental Planning Policy (Resilience and Hazards) 2021 cl.2.8 Development on land in proximity to coastal wetlands or littoral rainforest

The development requires the removal of one Cabbage Palm *Livistona australis* which is a characteristic species of the Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions endangered ecological community. Clause 2.8 of the SEPP prevails in the hierarchy established under 2.15 of the SEPP.

Design changes involving siting of the development to avoid impacts to this tree have been requested by others, and the recommendation is supported. If the impact to this tree cannot be reasonably avoided, then a replacement of the same species is required. I note the landscape plan submitted, and recommend the inclusion of and/or replacement of identified species with species characteristic of the Littoral Rainforest community where possible.

Based on this I am satisfied that the development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

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

Replacement of Canopy Trees

Locally native canopy trees, such as *Livistona australis*, are to be planted on site at a minimum ratio of 1:1 to replace any 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 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

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.