

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2019/0085
Responsible Officer	Benjamin Price
Land to be developed (Address):	Lot 12 DP 25653 , 34 Coasters Retreat COASTERS RETREAT 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 modification includes minor alterations to the original design and no additional impact to trees as stated in the SEE. The proposal also includes the following request: **Amendment of Condition 11** consistent with the recommended wording supplied by the Council's Natural Environment Officer contained within the Council Planning Officer's Summary of Recommendations (23/02/17) for consent, to read: "Removal of exotic weeds, and new vegetation to be consistent with recommendations contained within the submitted ecological report", reflecting the prior removal of certain specified exotic plants, the planting of Casuarina Tolorusa as required, and reflecting recommendations to ensure the preservation of the existing Toona Cilata.

It is noted this request was also included in the withdrawn Mod2019/0035, of which Council's Biodiversity provided the following response:

The Schedule of Changes (dated 24th January 2019) report to the Development Unit (DU), dated 15 February 2017 and included as an excerpt in the Summary of Recommendation, dated 23 February 2017, included Council's Natural Environment officer comments in Section 8.4A Discussion of DCP Issues Part B4.15 Saltmarsh Endangered Ecological Community (pages 22 and 23) and Council's Planner comments (pages 23 and 24).

The original assessment by Council's Natural Environment officer did not propose the abovementioned recommendation. The existing B11 condition, is that recommended by Council's Natural Environment Officer: *Exotic weeds and plants are to be removed from the site. Any proposed tree/vegetation planting and/or landscaping works are to be undertaken in accordance with the conditions contained within this consent.*

It is noted Condition B16 requires all noxious weeds and environmental weeds on the site to be removed/controlled. With this condition in place, the requirement for *Exotic weeds and plants are to be removed from the site* under Condition B11 can be removed.

The intent of the second sentence of B11, is to undertake vegetation planting in accordance with the Consent. This includes complying with the Flora and Fauna report as per Condition B15, as well as other conditions relating to vegetation planting within the Consent. For clarification, it is recommended to amend the wording of B11 to:

Any proposed tree/vegetation planting and/or landscaping works are to be undertaken in accordance with the Flora and Fauna report (prepared by Ecological Consultants Australia Pty Ltd, dated January 2016) and the conditions contained within this consent.

In addition, it is recommended the following condition be included to ensure the Ecologist recommendations have been implemented:

Section E – Flora & Fauna Report Recommendations

Prior to the issue of any Occupation Certificate, the project Ecologist is to provide evidence to the Principal Certifying Authority that the recommendations of the Flora and Fauna Report and Arborist Report (both prepared by Ecological Consultants Pty Ltd, dated January 2016) have been implemented at the appropriate stage of development.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

Referral Body Recommendation

Recommended for approval, subject to conditions

Recommended Natural Environment Conditions:

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

B11

Any proposed tree/vegetation planting and/or landscaping works are to be undertaken in accordance with the Flora and Fauna report (prepared by Ecological Consultants Australia Pty Ltd, dated January 2016) and the conditions contained within this consent. (DACNEEDW1)

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

Flora & Fauna Report Recommendations

Prior to the issue of any Occupation Certificate, the project Ecologist is to provide evidence to the Principal Certifying Authority that the recommendations of the Flora and Fauna Report and Arborist Report (both prepared by Ecological Consultants Pty Ltd, dated January 2016) have been implemented at the appropriate stage of development.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNEFPOC1)