

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1708
Proposed Development:	Demolition works and construction of a Recreation Facility (indoor) with signage
Date:	13/05/2024
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 2743 DP 752038 , 431 Pittwater Road NORTH MANLY NSW 2100

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

AMENDED COMMENTS

An amended landscape plan has been submitted with the application and clearly indicates retained trees, trees proposed for removal and trees to be planted. A total of 57 native trees are proposed for planting as well as a suitable range of species for understory and groundcovers. No further objections are raised from a Biodiversity perspective.

Conditions are recommended were the application to be approved in its current form.

The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

ORIGINAL COMMENTS

The proposal seeks approval for Demolition works and construction of a Recreation Facility (indoor) with signage.

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

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- Warringah DCP – Clause E2 Prescribed Vegetation
- Warringah DCP – Clause E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat
- Warringah DCP – Clause E4 Wildlife Corridors
- Warringah DCP Clause E6 Retaining unique environmental features

The proposal has been submitted with an accompanying Arboricultural Impact Assessment that has assessed the condition of 31 trees and recommended the removal of a total of 14 trees of which 11 are found to be native. The assessment has recommended the removal of T15 by stating it has an exemption by species which is inaccurate as it is a *Melaleuca quinquenervia* which is a prescribed native species. The specimen is also over 5 metres and therefore, cannot be removed under the species and height exemption rules. However, Appendix 2 – Tree Inspection Schedule - indicates that the tree can be removed due to a proximity exemption. No objection is raised in relation to the removal based on proximity to an existing building (as long as the tree is less than 2 metres away from a building).

A landscape plan has been submitted with the application. The planting schedule is inconsistent with vegetation present in the area and will have to be amended in order to include species that are in line with the appropriate classification of remnant vegetation (i.e *Casuarina glauca* to replace *Allocasuarina littoralis*). Additionally, a planting schedule with numbers of trees and tube stock must be included with the proposal to quantify the number of trees, shrubs and groundcovers being planted. The landscape plan has not identified which trees are to be removed and which trees are to be retained, the legend has used the same icon for both purposes. This will have to be amended and consistent with the recommendations set out in the submitted Arboricultural Impact Assessment.

The Biodiversity Referral will recommence once the amended plans and documents have been submitted with the application.

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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Pre-clearance Survey

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife prior to its removal. If native wildlife is found within habitat to be removed, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in

addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

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) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier 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) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.