

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2023/0567
Proposed Development:	Modification of Development Consent DA2022/0145 granted for Demolition works and construction of a mixed-use development comprising a residential flat building and shop top housing, basement parking, lot consolidation and torrens title subdivision.
Date:	17/01/2024
Responsible Officer	Gareth David
Land to be developed (Address):	Lot CP SP 32072 , 812 Pittwater Road DEE WHY NSW 2099 Lot CP SP 32071 , 4 Delmar Parade DEE WHY NSW 2099

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 Modification Application seeks consent to modify Development Consent DA2022/0145.

Modifications proposed include (but not limited to) the addition of a a roof top communal open space area to the Pittwater Road building, increasing the height of the building and subsequently resulting in variations in proposed shadowing of the adjoining Stony Range Flora Reserve. It is also noted that as the proposed modifications are largely internal, there are no additional impacts to biodiversity within the lot.

A comparison of overshadowing to Stony Range Flora Reserve was undertaken by Rothelowman (October 2023) as part of submitted documentation. Their assessment indicates that whilst some increases in shadowing in some areas of Stony Range may occur, the proposed modification will also reduce shadowing that was previously approved, with the net result that overall shadowing is reduced by 244m². As per previous comments from the Biodiversity team, much of the reserve area that is subject to winter shading is over an area represented by planted local and non local native vegetation and established native trees. A small portion of the shaded area includes relatively intact native vegetation which is located in eastern extent of the area subject to (mostly winter) shading. Much of the native vegetation in this area is already partially shaded as a result of the dense tree canopy, and any shading in some additional areas (~<37m²) is unlikely to result in a significant impact to

biodiversity values of the reserve.

The modification application is also supported by a statement from the Consulting Ecologist (Aquila Ecological Surveys, October 2023) stating that "*due to the minor nature of the proposed modifications, my ecological report (Aquila Ecological Surveys, July 2023) does not require amendment*". As such, conclusions from the Ecologist remain unchanged from the approved DA2022/0145, including that "*there is unlikely to be any appreciable long-term impact on the composition of native vegetation within the reserve*".

As the modifications result in an overall reduction in overshadowing Council's Biodiversity referrals team raise no objections. Additional conditions will be recommended.

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

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.