

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1478
Date:	21/10/2021
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 1115877 , 53 A Warriewood Road WARRIEWOOD NSW 2102

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 application seeks approval for the subdivision of 1 lot into a 22 lot Community title residential subdivision and construction of 21 associated dwellings. Proposed works include the civil works required to extend an existing public road (Lorikeet Grove) and creek rehabilitation works (Narrabeen Creek) within the site.

Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:

Biodiversity Conservation Act 2016 (BC Act) State Environmental Planning Policy (Coastal Management) 2018

- Cl.11 Proximity to Coastal Wetlands

Pittwater Local Environmental Plan (PLEP)

- 7.6 Biodiversity Protection

The application seeks approval for the removal of 12 prescribed trees (T. 1, 2, 3, 3a, 6, 11, 12, 13, 14G, 26, 29 & 30) in addition to a number of exempt trees that do not require Council's approval for removal. Of the prescribed trees proposed for removal, 3 trees (T. 2, 3, 3a) are planted outside of natural distribution, therefore no objection is raised to their removal, subject to replanting with locally-native species. The prescribed, locally-native trees proposed for removal, therefore include:

- *Corymbia maculata* (T1)

- *Casuarina glauca* (T6, 11, 12, 13, 14G, 26 & 29)
- *Eucalyptus robusta* (T30)

The submitted Arboricultural Impact Assessment (RainTree 2021) notes that all trees, with the exception of Tree 29 & 30 are located within the proposed building or excavation footprint. The justification for removal of Tree 30 (*Eucalyptus robusta*) a significant tree of high biodiversity value and Tree 29 (*Casuarina glauca*) is not provided within the Arboricultural Impact Assessment which notes "Design request to remove tree; no building footprint impact, tree located in earth works area requested for removal." Review of the Engineering Plan and Creek Longitudinal Section (Craig & Rhodes 2021) shows T.30 and T.29 are situated the lower bank of the creek, and area subject to proposed regrading or rock armouring. Tree 30 is to be retained, or detailed root mapping undertaken by an AQF5 Arborist providing additional justification for removal. In the case of T.29, rock armouring should be sensitively placed around T.29 under supervision of the Project Arborist.

A Flora and Fauna Assessment (Biosis 2021) is provided with the application, which concludes that the proposal is unlikely to have a significant impact on threatened biota listed under the BC Act 2016 or EPBC Act 1999, a finding that is generally supported by the Biodiversity Referral Team subject to submission of a Vegetation Management Plan (VMP).

A Vegetation Management Plan (VMP) is to be provided that encompasses the Vegetated Riparian Zone (VRZ) and all land within the proposed Lot 23, and Pt.1 (Proposed Layout; Craig & Rhodes 2021), additional to any measures provided by the Natural Resource Access Regulator (NRAR), Council's Landscape Referral Team or Council's NECC (Riparian Lands and Creeks), the VMP is to detail measures to:

- Retain and protect Tree 29 & 30, in consultation with the Project Arborist;
- Eradicate Priority weeds from the site (as listed in Table 1 of Flora and Fauna Assessment);
- Revegetate Lot 23 and Pt.1 (VRZ) including details of proposed species (100% Swamp Sclerophyll Forest) and minimum planting densities for groundcovers, understory, mid-storey and canopy;
- Protect downstream biodiversity values, including Coastal Wetland and Threatened Ecological Communities;
- Implement the VMP, including task responsibility, and a work schedule that details the majority of actions having been completed prior to the issue of subdivision certificate (excluding ongoing photo monitoring).

The VMP is to be prepared by the Project Ecologist, including consultation with the Arborist, and Landscape Designer and must incorporate the proposed creek engineering, including regrading, and rock armouring. Under clause C6.2 - Integration with Creekline Corridor and the Public Domain, the following outcome is to be achieved: extensive stands of *Casuarina glauca*, and groves of *Eucalyptus robusta* with other native feature trees, indigenous understory and ground covers, which are to comprise a minimum of 75% of the total creekline corridor area.

No objection is raised to the proposed landscaping within the 'Residential Lots' (KRLA 2021), subject to the removal of *Raphiolepis spp.* (an environmental weed) from the planting schedule. Insufficient detail is provided within the 'Creekline, Parkland, OSD & Street Trees' section of the landscape drawing. Additional, complementary detail is to be provided within the requested Vegetation Management Plan.

On submission of the requested Vegetation Management Plan (VMP), the Biodiversity Referral Team can reassess the application.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.