

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2023/1107
<b>Proposed Development:</b>	Change of use and alterations and additions to Office C for the purpose of a child care centre and landscaping
<b>Date:</b>	17/04/2024
<b>Responsible Officer</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER 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

#### Updated Comments

The amended plans has reduced the recommended tree removals, and will now remove non-local species or trees of low quality. Suitable compensatory tree planting is proposed as part of the submitted landscape Plan, with proposed species and the locations provided. The development therefore satisfies DCP Control E1 Preservation of Trees or Bushland Vegetation.

#### Original Comments

The proposed development has been assessed against the requirements of the NSW Biodiversity Conservation Act 2016, the associated 2017 Regulation, and Warringah DCP Control E1 Preservation of Trees or Bushland Vegetation.

The Statement of Environmental Effects states that 10 trees will be removed which does not correlate with the submitted Plans and Arborist Report. In addition, the SEE states that the trees are not important from a biodiversity perspective, and this is also incorrect. The impacts to trees and native vegetation was assessed via a Biodiversity Development Assessment Report submitted as part of DA2019/1446, and the majority of the trees were to be retained. The DA was approved as it achieved a no net loss standard via offsetting the unavoidable impacts offset under the Biodiversity Offsets Scheme, the protection and retention of trees, and additional environmental management and mitigation measures including landscaping.

The Arborist recommends a range of remediation actions to several trees, so that rather than removal the trees can be retained. This includes trees 65, 67,69, 71, 77 and 78, and the suggested works and retentions are to be detailed in the SEE and Plans. The Arborist is to also provide additional

justification for the removal of trees 72 and 73.

Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required, such as Tree 67 and tree 76. Details including proposed species and the location of replacement planting are to be provided, with reference to tree species the Landscape Plans approved under DA2019/1446

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.

#### **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.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

### **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.