

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2023/0718
<b>Proposed Development:</b>	Renovation of eleven (11) of the existing golf course greens, construction of one (1) new green and removal of trees.
<b>Date:</b>	04/07/2023
<b>Responsible Officer</b>	Nick Keeler
<b>Land to be developed (Address):</b>	<p>Lot 1 DP 662920 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 1 DP 19161 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 5 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 7 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot 6 DP 45114 , 52 Cabbage Tree Road BAYVIEW NSW 2104</p> <p>Lot A DP 339874 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 1 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 2 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 3 DP 986894 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 150 DP 1003518 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 191 DP 1039481 , 1825 Pittwater Road BAYVIEW NSW 2104</p> <p>Lot 300 DP 1139238 , 1825 Pittwater Road BAYVIEW NSW 2104</p>

### 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

Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls:

- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 cl. 4.9 Development assessment process—no approved koala plan of management for land
- SEPP (Resilience and Hazards) 2021 cl. 2.8 Development on land in proximity to coastal wetlands or littoral rainforest
- SEPP (Resilience and Hazards) 2021 cl. 2.10 Development on land within the coastal environment area.
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.13 Freshwater Wetlands (non Endangered Ecological Communities)
- Pittwater 21 DCP cl. B4.14 Development in the Vicinity of Wetlands

The Development Application seeks consent for the renovation of eleven (11) of the existing golf course green complexes and the construction of one (1) new green complex to the existing Bayview Golf Club. The Statement of Environmental Effects (Vaughan Milligan Development Consulting Pty Ltd May 2023), Arboricultural Impact Assessment (Bellevue Tree Consultants, 21 April 2023), and Proposed Course Improvements (Craig Parry Designs 2022) have been reviewed.

The Arboricultural Impact Assessment submitted with the application, recommends the removal of 23 trees, 20 of which are prescribed trees, due to their location within proximity to the proposed works. Trees proposed for removal includes six (6) *Eucalyptus robusta* (Swamp Mahogany) and 13 *Casuarina glauca* (Swamp Oak) trees. The Arborist has identified that these trees have a range of retention values, including low, medium and high. Native vegetation has been mapped within the subject site, and the trees proposed for removal are either remnant or planted species that are consistent with Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest, both of which are Endangered Ecological Communities listed under the Biodiversity Conservation Act 2016 (BC Act). Swamp Oak Floodplain Forest is also listed as Endangered under the Environment Protection and Biodiversity Conservation Act 1999 (APBC Act).

It is noted that works will not occur within the mapped SEPP Coastal Wetland area, however portions of the works are within the land in proximity to coastal wetlands and land within the coastal environment area. The work sites are not within the Biodiversity Values Map area which is used as a trigger for entry into the NSW Biodiversity Offset Scheme. The threatened species test of significance is also used to determine if a development is likely to significantly affect threatened species or ecological communities, or their habitats.

A Biodiversity (Flora and Fauna) Report was not submitted with the application, however Council's biodiversity referrals team have reviewed the documentation submitted, and completed a 5-part test to assess the impacts of the development on the local environment including Swamp Oak Floodplain Forest EEC and Swamp Sclerophyll Forest EEC. This assessment concluded that there would be no significant impact on either EEC as a result of the removal of thirteen (13) *Casuarina glauca* trees and six (6) *Eucalyptus robusta* from within the subject site. In relation to the Koala Habitat Protection 2021, the development is not likely to have any impact on koalas or koala habitat, therefore a Koala Assessment Report is not required to be prepared by the applicant. Based on the above the Biodiversity Offset Scheme (BOS) is not triggered by the development, and a Biodiversity Development Assessment Report (BDAR) is not required to be submitted

In order to mitigate and manage the impacts, replacement planting within the subject site is to be undertaken at a ratio of 2:1 (replaced to lost), and is to be comprised of *Casuarina glauca*, *Eucalyptus robusta* or *Melealeuca quinquenervia* (paperbark) individuals to ensure consistency with existing vegetation within the site.

Subject to the recommended conditions of consent, Council's Biodiversity referrals team are satisfied

that the proposed development is unlikely to significantly effect the local environment including the coastal wetland, and complies with the above listed legislation and controls.

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.

**Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

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

**Protection of Habitat Features**

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

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

Reason: To protect wildlife habitat.

**Replacement of Canopy Trees**

At least 40 locally native canopy trees are to be planted on the site to replace protected trees approved for removal and enhance the habitat of the endangered ecological communities. Species are to have a minimum mature height of 8.5m and be consistent with the existing vegetation within the site, and include species such as *Casuarina glauca*, *Eucalyptus robusta* or *Meleleuca quinquenervia* (paperbark) individuals.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

### **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.