

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/2081
<b>Proposed Development:</b>	Change of use and construction of a golf club house and associated facilities
<b>Date:</b>	18/09/2023
<b>Responsible Officer</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 2742 DP 752038 , 292 Condamine Street NORTH MANLY NSW 2100 Lot 2742 DP 752038 , 292 Condamine Street 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

#### Revised Referral September 2023

The proposal has been revised and the following documents relevant to the Biodiversity referral assessment have been amended to address the previous concerns :

Flora and Fauna Assessment Report (Narla Environmental, August 2023)

Arboricultural Impact Assessment (Abnoba Arbor June 2023)

Landscape Plan (Serenescape Landscape Designs, Rev E August 2023).

The FFAR quantifies the area of generally poor quality native vegetation to be cleared as 0.19ha. The report calculates that the proposed development will not exceed the Biodiversity Offsets Scheme (BOS) threshold. Assessments of Significance have also concluded that a significant impact to the endangered ecological community, threatened species and their habitats is unlikely, and a Species Impact Statement or Biodiversity Development Assessment Report is not required. The Report recommends several mitigation and management measures in order to further reduce the potential environmental impacts.

The updated Arboricultural Impact Assessment (AIA) has identified a total of 51 trees proposed for removal comprising 39 native species and 12 exempt/weed/dead species. The proposed replacement tree planting includes 39 replacement native and endemic tree species within five landscape zones to replace those removed for construction providing a 1:1 replacement ratio. Additional landscaping including a range of native shrubs, groundcovers and grasses is also provided.

### Previous Referral Comments

The proposal seeks approval for the change of use and construction of a golf club house and associated facilities.

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

- NSW Biodiversity Conservation Act 2016 (BC Act)
- NSW Biodiversity Conservation Regulation 2017 (BC Reg)
- Warringah DCP - Clause E2 Prescribed Vegetation
- Warringah DCP - Clause E6 Retaining unique environmental features

The proposal has been submitted with the following documents relevant to the Biodiversity referral assessment:

- Flora and Fauna Constraints Assessment Report (Narla Environmental, February 2021)
- Arboricultural Impact Assessment (Aura Tree Services, August 2022)
- Landscape Plan (Serenescape Landscape Designs, November 2022)

Comments in relation to the submitted biodiversity documentation are as follows:

- The Flora and Fauna Constraints Assessment Report (FFCAR) provides an overview of ecological constraints on site. These include a section of Estuarine Swamp Oak Forest Endangered Ecological Community (EEC) declared under the BC Act and Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The report has also identified the presence of 2 specimens of *Callistemon linearifolius* within the site. In addition, the vulnerable Eastern Osprey has been recorded within the development footprint and adjoining land. However, the report does not provide threatened species tests of significance for these threatened entities. In accordance with NSW and Commonwealth biodiversity legislation, tests of significance are required to be undertaken for any threatened entities likely to be impacted by a development.
- The FFCAR has not quantified the area of native vegetation to be cleared, nor has it assessed whether the Biodiversity Offsets Scheme applies.
- The arboricultural impact assessment (AIA) has concluded that a total of 33 prescribed trees would have to be removed to accommodate the proposed footprint in its current form. However, no accurate location of the trees has been indicated on the survey plans. Please refer to the landscape referral response for additional detail.
- The landscape proposal includes a total of 26 replacement canopy "trees" following the recommendations established in the FFA. However, additional canopy replacements need to be provided to avoid a net canopy loss.

Assessment of the proposal against applicable biodiversity provisions will recommence upon receipt of information addressing these concerns.

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

#### **Compliance with Ecologist's Recommendations – Pre-construction**

All pre-construction biodiversity-related measures specified in Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures are to be certified by the Project Ecologist and provided to the Certifier prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

#### **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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

#### **Vegetation Management Plan**

Prior to issue of the any Construction Certificate, a Vegetation Management Plan must be prepared to the satisfaction of Manager Bushland and Biodiversity of Northern Beaches Council and submitted to the Certifier. The Plan should be prepared with reference to the Biodiversity Requirements for Development Applications Guideline 3: Biodiversity Management Plans (BMPs) available on Council's website, as well as other current best practice industry standards for VMPs. The Vegetation Management Plan may form part of a Construction Environmental Management Plan.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

#### **Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with **XX** Report (reference).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### **Compliance with Ecologist's Recommendations – During Construction**

All biodiversity-related measures are to be implemented during construction in accordance with with Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023).

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

### **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered 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.

### **Relocation of Logs and Coarse Woody Debris – Certified by Ecologist**

All logs and branches are to be salvaged from cleared trees and reused as fauna habitat within areas of retained native vegetation on the site.

Reason: To protect wildlife habitat.

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

### **Compliance with Ecologist's Recommendations – Post Construction**

All biodiversity-related measures are to be implemented at the appropriate stage of development in accordance with Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023).

Satisfactory establishment/initiation of post-construction measures is to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

### **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.

**Relocation of Logs and Coarse Woody Debris – Certified by Ecologist**

All logs and branches are to be salvaged from cleared trees and reused as fauna habitat within areas of retained native vegetation on the site.

Details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To protect wildlife habitat.

**No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) 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 2019 – 2023) within the development footprint are to be removed.

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**

**Compliance with Ecologist's Recommendations – Ongoing**

All ongoing biodiversity-related measures are to be implemented in accordance with Table 14 of the Flora and Fauna Assessment Report and Waterway Impact Statement (Narla Environmental dated 31 August 2023) and these conditions of consent.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.