

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2021/0359
<b>Date:</b>	22/06/2021
<b>Responsible Officer</b>	Adam Mitchell
<b>Land to be developed (Address):</b>	Lot 1 DP 1271246 , 15 Waratah Street MONA VALE NSW 2103

### 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 removal of twenty-six (26) trees to facilitate proposed future works including construction of two new buildings and associated landscaping works.

The proposal aims to facilitate future development of new school infrastructure providing a more accessible administration area and more equitable access to the site. The applicant, Schools Infrastructure New South Wales (SINSW) has provided Council with the options considered and concluded that the option selected is the most suitable for several reasons, including:

- It provides a secure access, compliant with NSW Department of Education design guidelines, security standards and passive design principles from the main gate through to new administration. This is essential for school design and safety moving forward.
- It maintains the main cleared area of the playground for active play space. This is currently the only open flat space on the main school grounds.
- Building G, which is proposed to be demolished to make way for the new building does not meet current EFSG standards and is needing to be replaced.
- The school is currently over a number of levels and there is not equitable access for all abilities to a number of areas of the school. The proposed building permits this access for all abilities without creating specialised ramps and significant level changes in the landscape. These changes if required could also require the removal of vegetation to achieve appropriate accessibility.
- The site is quite heavily vegetated and it is difficult to find a site for a new building where no trees would be required to be removed or impacted.

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)

## Pittwater Development Control Plan (PDCP)

- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

PDCP Clause 4.5 states:

- Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and locally native species.
- Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation.
- Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.

The following trees are proposed for removal to facilitate the works:

- T1 – *Eucalyptus tereticornis*
- T2 – *Eucalyptus tereticornis*
- T3 – *Eucalyptus tereticornis*
- T4 – *Eucalyptus tereticornis*
- T5 – *Glochidion ferdinandii*
- T6 – *Eucalyptus scoparia* (Exempt)
- T7 – *Eucalyptus robusta*
- T8 – *Cinnamomum camphora* (Exempt)
- T9 – *Cinnamomum camphora* (Exempt)
- T201 – *Eucalyptus resinifera*
- T203 – *Eucalyptus resinifera*
- T204 – *Eucalyptus haemostoma*
- T205 – *Angophora costata*
- T209 – *Eucalyptus tereticornis*
- T210 – *Eucalyptus tereticornis*
- T216 – *Eucalyptus scias*
- T222 – *Corymbia gummifera*
- T223 – *Lophostemon confertus*
- T224 – *Eucalyptus tereticornis*
- T225 – *Eucalyptus tereticornis*
- T226 – *Eucalyptus tereticornis*
- T227 – *Eucalyptus tereticornis*
- T228 – *Eucalyptus tereticornis*
- T229 – *Eucalyptus tereticornis*
- T230 – *Eucalyptus tereticornis*
- T231 – *Eucalyptus tereticornis*

Of these trees, 2 (T.6, 8 & 9) are exempt under Council provisions, and therefore do not require Council's approval. Of these trees, 8 (T.5, 7, 201, 203, 204, 205, 216, 222) are considered locally-native to the Northern Beaches Local Government Area. The Flora and Fauna Assessment (Narla Environmental 2021) has identified that the trees proposed for removal may be utilised by the Grey-headed Flying Fox as a foraging resource; as such, assessment of potential impacts is required to be undertaken in accordance with Section 7.3 of the NSW Biodiversity Conservation Act (i.e. the threatened species "test of significance"). This assessment has been undertaken and has concluded

that the proposal is unlikely to result in significant impact to the species.

Proposed landscaping (Arcadia 2021) will include provision of forty-two (42) replacement trees, including:

- 10x *Banksia integrifolia*
- 7x *Eucalyptus haemastoma*
- 6x *Tristanopsis laurina*
- 19x *Corymbia gummifera*

Long-term, the proposed planting seek to increase canopy cover within the site, resulting in an increase from 2,047m<sup>2</sup> to 2,560m<sup>2</sup>. The provision of these replacement plantings ensures consistency with B4.5 of the Pittwater DCP.

Given the lack of suitable design alternatives that may retain additional trees and the proposed replacement planting efforts, subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental 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**

#### **Pre-clearance Survey**

In accordance with recommendations provided in the Flora and Fauna Assessment (Narla Environmental 2021) a pre-clearance survey is to be undertaken by the Project Ecologist prior to any tree removals.

The survey is to identify any occupying fauna (i.e. nests). In the event that fauna or fauna habitat are identified as present and utilising the trees to be removed, a suitably qualified ecologist or wildlife carer must be present to capture and release any fauna prior to felling.

Details demonstrating compliance are to be prepared by the Project Ecologist and submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native wildlife.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **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.

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

### **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans (Arcadia 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

### **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 Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

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

### **Replacement of Canopy Trees**

Tree replacement plantings required under this consent 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.

Reason: To replace locally native trees.