

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	Mod2025/0476
<b>Proposed Development:</b>	Modification of Development Consent No. 85/153 granted for ten tennis courts, being a recreational facility and the floodlighting of the tennis courts
<b>Date:</b>	17/09/2025
<b>Responsible Officer</b>	Adriana Bramley
<b>Land to be developed (Address):</b>	Lot 1 DP 1249992 , 163 Upper Clontarf Street NORTH BALGOWLAH NSW 2093 Lot 8 DP 1249992 , 163 Manning Street NORTH BALGOWLAH NSW 2093

### 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

This Section 4.55(2) Modification Application has been assessed in accordance with the following applicable controls and provisions:

- NSW Biodiversity Conservation Act 2016
- Warringah DCP 2011
  - Clause E2 Prescribed Vegetation
  - Clause E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat
  - Clause E4 Wildlife Corridors
  - Clause E5 Native Vegetation
  - Clause E6 Retaining unique environmental features

This application seeks modifications to approved Development Application 85/153 (approved in 1985). The proposed works seek to reconfigure existing tennis courts, install replacement fencing and 24 flood lights, and extend hours of operation to from 7am to 10pm seven days a week.

Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). However, the submitted plans and documentation indicate that the proposed works occur within the existing development footprint and will not require the removal of vegetation or trees and therefore will not trigger entry into the BOS.

The development footprint directly abuts high ecological value habitat and BioNet Atlas Threatened Species Records show the presence of multiple threatened species (*Ninox strenua*, *Pteropus poliocephalus*, *Miniopterus schreibersii oceanensis*). Light spill/pollution arising as a result of the proposal to install 24 x floodlights at the site has the potential to disrupt natural wildlife behaviour and cause wildlife to vacate previously occupied habitat. Potential impacts associated with light spill are not addressed in this application.

Padel Light Specifications (Exelux, Feb 2024) are provided for 12 of the proposed floodlights, and state that lighting will have an upward light ratio of 1% which will lead to very low sky glow. However these lights have a combined ~371,000 lumens and the manufacturer website states that their lights are designed to mimic daylight. Additionally, the report does not identify the colour of light, which is important for assessing impacts as nocturnal wildlife are more sensitive to bright, white lights (4000-5700 K) as opposed to warmer colours (<3000 K).

In order to allow for an accurate determination of likely and potential biodiversity impacts resulting for additional lightspill from the development, a Flora and Fauna Assessment (FFA) Report is required to be prepared by a suitably qualified ecologist. The FFA is to address potential impacts to wildlife associated with the new lighting (including any required threatened species tests of significance) and confirm that the proposal and lighting design are consistent with the National Light Pollution Guidelines for Wildlife (NSW DCCEEW 2023).

Council's Biodiversity Referrals team will recommence assessment of the application upon receipt of this information.

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.