

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2024/0499
<b>Proposed Development:</b>	Demolition works and construction of three residential flat buildings
<b>Date:</b>	06/05/2025
<b>Responsible Officer</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 1 DP 213608 , 120 Frenchs Forest Road West FRENCHS FOREST NSW 2086 Lot 2 DP 213608 , 118 Frenchs Forest Road West FRENCHS FOREST NSW 2086 Lot 14 DP 25713 , 11 Gladys Avenue FRENCHS FOREST NSW 2086 Lot 24 DP 25713 , 116 Frenchs Forest Road West FRENCHS FOREST NSW 2086

### 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

#### AMENDED COMMENTS 05/05/2025

Amended plans and documents have been submitted and outstanding matters have been addressed. Additional conditions are recommended to ensure that an ecologist and appropriately qualified staff are present to ensure that the trees being removed are not being used as habitat by any threatened species.

The landscape plan will need to be amended to remove any species identified as weeds under the Biosecurity Act 2015 and identified as weeds in the Northern Beaches Council Local Priority Weed Management Plan (*Murraya paniculata*, *Rhaphiolepis indica*).

The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

#### AMENDED COMMENTS

Amended documents have been submitted with the application showing a reduction in the number of trees being removed. While it is acknowledged that the design amendments appear to have reduced

the overall ground footprint, outstanding issues raised in the Landscape referral could have an impact on the Biodiversity Referral:

- Additional tree planting has been requested which will help offset the proposed tree removal.
- No justification has been provided in relation to the removal of Tree 4 which is located within the Wildlife Corridor.
- Clarification is sought in relation to impacts to Tree 33a
- Removal of trees 78, 79, 82 and 83 cannot be supported unless Owners consent has been obtained, if these trees are to be retained, their retention will have to be supported by the Arborist.
- The amended Statement of Environmental Effects has not addressed the applicable Warringah DCP Biodiversity Controls.

Therefore, the Biodiversity Referral will recommence once the final vegetation and tree removal and planting figures are defined. Furthermore, amendments to the proposed Landscape plan should be made to ensure that no plants identified as weeds are included as part of the proposal.

#### **ORIGINAL COMMENTS**

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

- Warringah DCP Clause E4 - Wildlife Corridors.
- Warringah DCP Clause E6 - Retaining unique environmental features.

The proposal has been submitted with an Arboricultural Impact Assessment (Earthscape Horticultural Services, April 2024) that has assessed the condition of a total of 102 trees distributed across the sites that are the subject of the application. The report has recommended removal of trees based on current exemptions by species (species identified as exempt under current rulings in the Northern Beaches) and height (Trees under 5 metres). No objections are raised in relation to those removals. However, at least 31 Prescribed trees are being proposed for removal.

In addition, a number of prescribed trees with habitat values have been identified on site and will be potentially impacted, and records indicate the potential presence of threatened species (Powerful Owl - *Ninox strenua*) within the site. Therefore, a Flora and Fauna Assessment will have to be prepared and submitted with the application as indicated in the Biodiversity Guidelines for Development Applications available on Council's website: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/media/files/2024-05/Biodiversity%20Requirements%20for%20Development%20Applications%20-%202024.pdf?1715582608>

The biodiversity referral will recommence upon reception of the above mentioned Flora and Fauna Assessment report.

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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

#### Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Removal of any species identified as weeds under the Biosecurity Act 2015 and/or the Northern Beaches Local Priority Weed Management Plan including and not limited to *Murraya paniculata*, *Lagerstroemia* and *Raphiolepis indica*.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

#### 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.

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

#### Pre-clearance Survey - Certified by Project Ecologist

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in

addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

### **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**

### **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**

### **Control of Domestic Dogs/Cats**

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.