

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/1259
<b>Date:</b>	11/11/2022
<b>Responsible Officer</b>	Thomas Burns
<b>Land to be developed (Address):</b>	Lot 12 DP 1119562 , 10 Namona Street NORTH NARRABEEN NSW 2101 Lot 3 DP 1018621 , 6 Namona Street NORTH NARRABEEN NSW 2101

### 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 proposal has been assessed against the following applicable biodiversity-related provisions:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- SEPP (Koala Habitat Protection) 2021
- SEPP (Resilience and Hazards) - Coastal Wetlands and Coastal Wetlands Proximity Area
- SEPP (Resilience and Hazards) - Coastal Environment Area
- Pittwater LEP Clause 7.6 - Biodiversity Protection
- Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The application is for removal of 30 trees from the North Narrabeen Public School (NNPS) site and 9 trees from the Narrabeen Sports High School (NSHS) site. Of the trees proposed for removal, 17 at NNPS and all 9 at NSHS are native. The submitted flora and fauna report confirms that "no native hollow bearing trees will be impacted by the proposed school upgrade". In addition, the submitted arboricultural reports identify a number of trees either to be assessed under an alternative assessment pathway or as able to be retained subject to review of the finalised building works design. These trees are not approved for removal under the current DA.

The landscape plans identify 53 new tree plantings to replace the 30 proposed for removal. The species proposed to be planted are considered appropriate, apart from *Ficus microcarpa* which is to be replaced by a locally native fig species (e.g. *Ficus rubiginosa* or *Ficus coronata*).

The flora and fauna report confirms that no evidence of koala occupation was found on the site and that none of the threatened ecological communities (TECs) which occur on the site will be impacted by this application. In addition, the report includes tests of significance for the following threatened species in accordance with Section 7.3 of the Biodiversity Conservation Act 2016:

- Southern Myotis (*Myotis macropus*)
- Fork-tailed Swift (*Apus pacificus*)
- Eastern Freetail Bat (*Micronomus norfolkensis*)
- Eastern Long-eared Bat (*Nyctophilus bifax*)
- Grey-headed Flying Fox (*Pteropus poliocephalis*)
- Powerful Owl (*Ninox strenua*)

The tests of significance conclude that the trees proposed for removal represent a minor proportion of the overall habitat available within the surrounding area and as such, the development will not result in a significant impact to the assessed species. Whilst this conclusion is concurred with, mitigation measures will be required to ensure that wildlife and retained habitat are not harmed during tree clearing works. As the submitted flora and fauna report does not address these measures, a Tree Removal Protocol is to be prepared by the project ecologist to ensure that any wildlife utilising trees to be removed are safely relocated, and important habitat such as hollows are retained. This will be conditioned.

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**

#### **Preparation of a Tree Removal Protocol**

The Project Ecologist is to prepare a Tree Removal Protocol which includes the provision of (at a minimum):

- a pre-clearance survey
- direct supervision of tree removal
- protocol for rescue of fauna and relocation of log hollow sections onsite to provide fauna habitat

The Tree Removal Protocol must also include procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey.

The Tree Removal Protocol is to be submitted to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native wildlife.

#### **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.

### **Amendment of Landscape Plans**

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

- Deletion of *Ficus microcarpa*
- Replacement of *Ficus microcarpa* with either *Ficus rubiginosa* or *Ficus coronata*

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

Reason: To retain locally native species 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 in accordance with these conditions of consent.

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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

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

### **Nest box installation**

A minimum of 10 nest boxes suitable for the following species are to be installed in retained trees on the site/s:

- Forest owls x 2
- Small native birds x 4
- Microbats x 4

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods). Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To replace wildlife habitat approved for removal.

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

### **Impacts to Protected Native Wildlife**

Trees approved for removal are to be inspected for native wildlife by the Project Ecologist prior to their removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist or a licensed wildlife rehabilitator.

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.

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 Hollows**

Any hollows in trees approved for removal are to be salvaged and relocated to an area/s of retained native vegetation on the site.

Written certification of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain wildlife habitat.

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

### **Tree Removal Protocol to be Certified as Completed**

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to the Principal Certifier prior to issue of Occupation Certificate.

Reason: To protect native wildlife.

### **Certification of Landscaping**

New tree plantings are to be completed in accordance with the approved Landscape Plans (DesignInc, 8 June 2022) and Landscape Report (DesignInc, 20 July 2022) and these conditions of consent.

Evidence of compliance is to be prepared by the Landscape Architect and submitted to the Certifier prior to any Occupation Certificate.

Reason: Replacement of trees approved for removal.

### **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.