

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0081
Proposed Development:	Demolition of all existing structures on site
Date:	07/05/2024
Responsible Officer	Jordan Howard
Land to be developed (Address):	Lot 1 DP 524083 , 21 A Warili Road FRENCHS FOREST NSW 2086 Lot 1 DP 1298188 , 49 Blackbutts Road 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

A Flora and Fauna Assessment has been submitted with the application (Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, April 2024) and concluded that the proposal will not trigger entry into the Biodiversity Offsets Scheme as the area clearing threshold is not met. No threatened species have been detected on site and no Threatened Ecological Communities or Plant Community Types have been identified on the site. A test of significance (5 part test) has been conducted for the Grey headed flying fox (*Pteropus poliocephalus*) and concluded that the application will have no significant impacts. No objections are raised with these conclusions.

As per the Landscape Referral comments, the Statement of Environmental Effects (Willow Tree Planning, February 2024) indicates that only Exempt trees are to be removed for the purpose of demolition of all existing structures on the site: "It is noted that no tree removal is proposed as part of this DA. Any trees on Site that are within 2 metres of the existing buildings to be demolished and that meet the Northern Beaches Council exempt criteria for tree removal without a permit will be removed."

However, this information is inconsistent with the proposed removals in the submitted Arboricultural Impact Assessment (The Tree Guardian, April 2024) where additional prescribed trees are being proposed for removal. Therefore, tree removal will be conditioned to exempt removals based on species/height as well as proximity to existing structures as conditioned in the landscape referral.

Tree replacement planting will be conditioned to compensate for the removal of prescribed native trees 10, 23, 28, 64, 101 and 114 as per WDCP 2011 Clause E2 where objectives state among others:

- "To retain and enhance native vegetation communities and the ecological functions of wildlife corridors."
- "Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term."

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

ORIGINAL COMMENTS

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

- Warringah DCP - Clause E2 Prescribed Vegetation
- Warringah DCP - Clause E6 Retaining unique environmental features

It is noted that the Statement of Environmental Effects confirms that no tree removal will take place unless trees to be removed are considered exempt under Council's current tree management regulations. The proposal has been submitted without an arboricultural impact assessment. Impacts to prescribed trees from the proposed demolition works need to be assessed as indicated during the PLM meeting.

Additionally, if more than 4 prescribed trees are to be removed due to impacts stemming from the impact of works, a Flora and Fauna assessment will have to be prepared by an appropriately qualified ecologist as per Council's Biodiversity requirements for Development Applications available on Council's website: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/documents/general-information/environmental-and-community-protections/biodiversity-requirements-development-applications.pdf>

The biodiversity referral will recommence upon reception of an arboricultural impact assessment.

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:

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.

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

Replacement of Canopy Trees

At least 6 locally native canopy trees are to be planted and will include at least 2 (two) *Corymbia gummifera* and 1 (one) *Eucalyptus botroyides* on the site to replace native protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings 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.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

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.