

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0499
Proposed Development:	Demolition works and construction of three residential flat buildings
Date:	17/12/2024
Responsible Officer	Adam Croft
Land to be developed (Address):	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

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 unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.