

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1128
Proposed Development:	Demolition works and construction of a Residential Flat Building
Date:	15/09/2023
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 73 DP 7413 , 27 Redman Road DEE WHY NSW 2099

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 Warringah DCP Clause E2 Prescribed Vegetation and part of Clause E6 Retaining Unique Environmental Features.

Given the highly urbanised location of the site, it is unlikely to comprise part of a significant wildlife corridor. However, the waterway and associated stormwater infrastructure is likely to provide habitat for native wildlife, including water dragons and microbats. It is assumed that assessment of the proposal against flooding, riparian and stormwater management objectives will be addressed by the relevant referral bodies.

Existing locally native canopy trees should be retained wherever possible, and this matter is deferred to the Landscape referrals team.

Desktop assessment and a site inspection indicate that the majority of existing vegetation on the site is composed of weedy and exotic species, with some locally native canopy trees remaining. In particular, the weed infestation in the north of the site is likely to be acting as a source of weed propagules encroaching into surrounding areas.

As such, the Biodiversity referrals team can support the proposal, subject to conditions to:

- control the extensive weed growth on site
- provide replacement planting with appropriate locally native species
- require pre-clearance surveys by a suitably qualified ecologist
- provide microbat roosting habitat under the new footbridge; and

- restrict artificial outdoor lighting.

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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

Amendment of Landscape Plans

The Landscape Plans, submitted in conjunction with the approved Development Application and as amended by these conditions of consent, are to be amended in accordance with the following:

- All species are to be selected from the Native Planting Guide for the Curl Curl Ward, available on Council's website
- Deletion of the following species: *Tristania laurina* 'Luscious', *Backhousia myrtifolia*, *Zamia furfuracea*, *Rhaphis excels*, and *Philodendron* 'Xanadu'
- Provision of at least three (3) locally native canopy trees to replace trees approved for removal. At least one of the replacement canopy trees is to be an advanced *Angophora costata*, planted in a suitable location on site as identified in consultation with the Project Arborist.

Plans are to be amended by a qualified Landscape Architect and submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To improve habitat at the site and improving corridor function as a result of the development.

Microbat roosting habitat to be incorporated into the footbridge design

The footbridge engineering plans must demonstrate that microbat roosting crevices can be incorporated into the engineered design, preferably inset into concrete. A general microbat roosting formed recess would have a 50mm diameter, be 150mm deep, and have an opening of 30mm. At least 2 recesses should be incorporated outside of the "splash zone", i.e. closer to the northern end of the footbridge.

This plan is to be submitted to the Project Ecologist for approval and certified by the Certifying Authority prior to issue of a Construction Certificate.

Reason: To retain microbat roosting habitat on 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 the submitted Flora and Fauna Report and 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.

No Artificial Lighting – Microbat Habitat

No artificial light is to be directed toward or illuminate the waterfall, water body, or surrounding vegetation at any time during or post construction. No bright lighting or motion detectors which illuminate the walkway, or external staircase for the northern building are to be installed. Low intensity lighting may be used along the top of the walkway for safety purposes only.

The external/outdoor lighting design is to be submitted to the Project Ecologist for approval and certified by the Principal Certifying Authority prior to issue of a Construction Certificate.

Reason: To prevent impacts to microbat foraging and roosting habitat.

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.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**Compliance with Ecologist's Recommendations**

All impact mitigation measures specified Section 6.1 of the in the approved Flora and Fauna Assessment Report are to be implemented at the appropriate stage of development.

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

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

Protection of Habitat Features – Certified by Ecologist

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

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.

Evidence of compliance is to be prepared by the Project Ecologist and 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.