

Natural Environment Referral Response - Biodiversity

Application Number:	DA2024/0944
Proposed Development:	Demolition works and construction of a plant nursery and landscape material supplies premises
Date:	24/09/2024
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 3 DP 26902 , 12 Boondah Road WARRIEWOOD NSW 2102 Lot 4 DP 26902 , 10 Boondah Road WARRIEWOOD NSW 2102

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 following biodiversity planning controls, legislation and guidelines are applicable to the subject site, and Council has made comments in relation to the proposed nursery development based on the relevant requirements:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)
- NSW Biodiversity Conservation Act 2016 (BC Act 2016) and associated regulations including the Biodiversity Conservation Regulation 2017
- State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 2 Coastal management - Division 1 Coastal wetlands and littoral rainforests area
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 4 Koala habitat protection 2021
- Planning for Bushfire Protection 2019
- Pittwater Local Environment Plan clause 7.6 Biodiversity
- Pittwater 21 Development Control Plan - B4.1 Category 1 Flora and Fauna and B4.3 Category 2 Flora and Fauna
- P21DCP - B4.8 Freshwater Wetland Endangered Ecological Communities.
- P21DCP - C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development

The subject lots contain significant biodiversity value, including Threatened Ecological Communities (TEC), mapped Coastal Wetland and Coastal Wetland Proximity Area, records of threatened species,

threatened species habitats and fauna connectivity.

Areas of the western boundary and the south-western corner of the site are mapped within the Biodiversity Values (BV) Map. The BV map extends to the west of the site and covers much of the adjoining Warriewood Wetlands. The BV Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing.

The BV mapped area is generally coincident with Coastal Wetlands mapped under State Environmental Planning Policy (Resilience and Hazards) 2021. In accordance with clause 2.7 Council must not grant consent for development unless satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland.

The remainder of the site is mapped as land in proximity to coastal wetlands (cl. 2.8). Development impacts on the proximity area require consideration of the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

The findings of the revised BDAR are noted, and the retention of areas of the two Endangered Ecological Communities (EEC), Bangalay Sand Forest and Swamp Oak Floodplain Forest are generally supported. The Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions (BSF) covers 0.23 hectares, of which 0.11 ha will be removed. The Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (SOFF) covers 0.44 hectares of the site, and 0.06 hectares would be directly impacted. The BDAR has calculated biodiversity credits in order to offset the residual impacts to the EECs.

The assessment details the threatened species predicted and /or recorded on site and includes offset of impacts to two threatened fauna species Eastern Cave Bat and Southern Myotis. The loss of hollow-bearing trees will be offset by the inclusion of fauna nest boxes. No evidence of Koala activity, nor records of threatened flora species were detected on site during the field surveys.

The submitted plans show that the design does exclude development from within the mapped coastal wetland, with the submitted Vegetation Management Plan showing a proposed chain link fence that will protect the mapped wetland. Areas of vegetation and fauna habitat on the site to the west of the chain-link fence will be protected and enhanced via implementation of a VMP.

The impact avoidance measures proposed are noted, including the retention of a portion of the Bangalay Sand Forest EEC on the northern portion of the site. However further avoidance to vegetation characteristic of Swamp Oak Forest is recommended, and the retention and protection of additional area centred around trees #50 and #51, and deletion of two plant displays in this area, is recommended. This would allow for retention of EEC vegetation in a configuration that is more connected to the adjoining wetlands, is less susceptible to weed invasion, and will also reduce the area proposed to be cut.

Further, the plans show a batter through the area of Bangalay Sand Forest, although this may be existing naturally? The retention of trees # 71 and #73 in this area is to be confirmed by the Arborist. Similarly, the batter within the Swamp Oak Forest restoration area may also impact trees #97, #98 and #99, and their retention is to be confirmed. If this cannot be confirmed by the Arborist, then the batter should be moved further to the east to ensure retention of these important characteristic Swamp Oak Forest trees.

A range of other mitigation and management measures are contained within the submitted VMP, and these are also noted. The regeneration and enhancement of the EEC vegetation to result in a fully structured vegetation community, that also functions as a buffer to the adjoining wetland buffer, is supported. The application contains conflicting descriptions regarding the use of the regeneration and revegetation areas for bush fire asset protection purposes. While I don't believe this is the intention, any APZ overlapping this area is not supported, especially as the risk to life as part of a commercial development is considered to be low.

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.