

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/1224
Proposed Development:	Alterations and additions to the existing garden centre
Date:	10/10/2023
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 4 DP 737411 , 62 Myoora Road TERREY HILLS NSW 2084

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 seeks approval for Alterations and additions to the existing Flower Power Garden Centre to provide additional retail floor area, cafe, pet store and fruit store with associated parking and landscaping.

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

- NSW Biodiversity Conservation Act 2016 (BC Act 2016)
- NSW Biodiversity Conservation Regulation 2017
- Planning for Bushfire Protection 2019 (PBP 2019)
- Warringah DCP - Clause E2 - Prescribed Vegetation
- Warringah DCP - Clause E6 - Retaining unique environmental features

The proposal has been submitted with the following relevant documents and plans to the Biodiversity Assessment among others:

- Master Plans (Leffler Simes Architects, January 2022)
- Bushfire Report (Eco Logical Australia, May 2023)
- Landscape Report (Site Image Landscape Architects, May 2023)
- Arboricultural Impact Assessment (Birds Tree Consultancy, June 2023)

The provided Arboricultural Impact Assessment (AIA) has assessed the condition of a total of 101 trees concluding that a total of 27 trees will remain viable, 74 will be removed and of those to be removed 56 are exempt under current rules. A total of 18 prescribed trees are being proposed for removal of which a total of 10 (10, 14, 16, 40, 41, 42, 82, 83, 84, 101) are native species of Medium or High retention value.

- Trees 74-79 (exotic/introduced species), 84 (native) and 101 (native) are now proposed for removal when they were originally being retained (as per DA2022/0456)
- Trees 80, 81, 86, 92, 96 and 97 are now proposed for retention when they were originally being removed (as per DA2022/0456).

Avoidance and minimisation of impacts to prescribed native trees have been considered in the updated application and are supported.

In addition, the submitted Landscape Plan (Site Image Landscape Architects 2023) should be amended to exclude Tuckeroo and Raphiolepis as these species are now regarded as weed species. Replacement tree species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

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

Amendment of Landscape Plans

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

- Removal of *Cupaniopsis anacardioides* (Tuckeroo) from the planting schedule and proposal and replacement with additional *Banksia integrifolia*
- Removal of *Raphiolepis indica*

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

Reason: To maintain and replace habitat on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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 10 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the relevant section of 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.