

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2022/2265
<b>Proposed Development:</b>	Demolition works, tree removal and construction of an industrial and warehouse facility with parking and strata subdivision.
<b>Date:</b>	17/11/2023
<b>Responsible Officer</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 21 DP 881819 , 323 - 327 Warringah 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

Amended plans and documents have been submitted with the application.

The addendum to the original Flora and Fauna Report (Cumberland Ecology, October 2022) confirms that the proposed amendments will not change the conclusions reached in the original report. Notably these conclusions were that no threatened species will be impacted by the proposed works and will not result in significant impacts to the Duffys Forest Endangered Ecological Community as the remnant vegetation found on site has been highly modified and is found in a highly urbanised area. However, conditions will be placed to ensure that native planting takes place and appropriate species are planted in the location to minimise the impacts of the proposal. It is also noted that planted individuals of *S. paniculatum* will be removed as they are planted.

The amended landscape plan includes a list of species that is appropriate for the area and no objections are raised in relation to the proposed plantings. As per the Landscape referral comments and conditions, numbers of trees planted will have to exceed that of trees being removed (trees being removed include 30 to 46 inclusive, 48, 81 to 85 inclusive, 94, and 103 to 106 inclusive).

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

## ORIGINAL COMMENTS

The proposal seeks approval for demolition works, tree removal and construction of an industrial and warehouse facility with parking and strata subdivision.

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

- NSW Biodiversity Conservation Act 2016
- Warringah DCP Clause E2 Prescribed Vegetation
- Warringah DCP Clause E6 Retaining unique environmental features

The proposal has been submitted with an accompanying Arborist Report (AIA) and a Flora and Fauna Assessment (F&F).

The F&F Assessment has established that remnants of Duffys Forest Endangered Ecological Community (EEC) occur on the Northern and North-Eastern sides of the site. Therefore, impacts should have to be managed accordingly to avoid any impact to the EEC. However, the F&F report has concluded that a total of 0.02 out of 0.03 Ha of the remnant vegetation shall be impacted by the proposal in its current form. The F&F has also determined that a range of High risk weeds and/or Weeds of national significance are present within the site. Due to the scale of works involved, their removal will be required as a condition of consent.

The AIA has determined that a total of 28 trees are to be removed to facilitate grading works. Plans are unclear as to the grading works required. The application is unclear on whether removal of trees is proposed to facilitate works as opposed to the removal of trees being required due to the works proposed. Additional information is requested in order to clarify the reasoning behind the proposed tree removals.

The proposal has also been submitted with a Landscaping report with a suggested list of species belonging to the appropriate vegetation community (Northern Beaches Council Native Planting Guide - Frenchs Forest Ward). However, no planting schedule indicating what numbers of each specimen are to be planted. Therefore, landscaping plans need to be amended, showing numbers and locations of tree replacements if the removal of prescribed trees was to be approved.

The biodiversity assessment will recommence once the additional information has been submitted.

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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

### **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 Flora and Fauna Report (Cumberland Ecology, October 2022).

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 Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

## **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 registered 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.

### **Implementation of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plan (Habit8 Landscape Architecture and Urbanism, issue E - 30.08.2023) ) and these conditions of consent.

The new landscaping is to be certified by a qualified landscape architect as being in accordance with the approved Landscape Plans and these conditions of consent

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **Replacement of Canopy Trees**

At least 23 locally native canopy trees are to be planted on site to replace protected trees approved for

removal. Species are to have a minimum mature height of 8.5m and be consistent with Council's Native Gardening Guide.

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 present that were identified in the Flora and Fauna report and as specified in the Northern Beaches Local Weed Management Plan within the development footprint are to be removed using the appropriate control and removal methods.

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.