

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/0064
Date:	07/04/2021
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 5 DP 12797 , 41 Wallumatta Road NEWPORT NSW 2106

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

Council's biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related provisions:

- Biodiversity Conservation Act 2016 (BC Act)
- Pittwater LEP cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- Coastal Management SEPP (2018) cl. 11 Development on land in proximity to littoral rainforest

The Statement of Environmental Effects (SEE) submitted with the development application has not addressed the applicable biodiversity provisions listed above. The SEE is to be amended and resubmitted to include discussion relating to the proposals impact on the above listed provisions.

The Arborist Report (The Ents Tree Consultancy 2020) has identified that six (6) trees will require removal in order to facilitate the proposed development, including Trees 10, 11, 15, 20, 27 & 28, all of which are Prescribed trees. In accordance with cl. B4.7 of the P21DCP, an Ecological Impact Assessment (EIA) is required to be prepared to assess the biodiversity impacts on Pittwater Spotted Gum Forest Endangered Ecological Community that has been mapped on the Subject Site. A 5-part Test pursuant to Section 7.3 of the Biodiversity Conservation Act 2016 (BC Act) is required to be included in the EIA. The EIA will also need to address any potential impacts associated with the establishment and on-going maintenance required for the Asset Protection Zone (APZ) as prescribed by the Bushfire Consultant. This includes identifying which trees (if any) require removal.

The Bushfire Hazard Assessment (Control Line Consulting 2020) provides conflicting advice in relation to the vegetation required for removal in order to achieve APZ requirements in accordance with

Planning for Bushfire Protection 2019. On page 6, the report notes "*The proposed scope of works does necessitate the removal of some vegetation as required to satisfy the recommendations for asset protection zones*" whilst on page 10 the report states "*The maintenance of the majority of area upon the subject allotment currently would satisfy the requirements of an inner protection area of an asset protection zone as contained in Planning for Bush Fire Protection 2019*". Clarification as to the species and number of trees and/or vegetation required for removal in order to achieve PBP is to be included in the updated Bushfire Hazard Assessment and resubmitted to Council for assessment.

The Landscape Plan (A Total Concept 2020) submitted with the application has not provided adequate replacement plantings for the loss of six (6) prescribed trees within the site. The plan is to be amended to ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in Pittwater Spotted Gum Endangered Ecological Community), and include a replacement ratio of at least 1:1 for native trees proposed for removal.

Upon amendment and resubmission of updated documentation, Council's biodiversity referrals team will assess the Development Application for compliance against biodiversity provisions listed above.

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.