

Natural Environment Referral Response - Biodiversity

Application Number:	DA2020/1162
Date:	02/12/2020
Responsible Officer	Renee Ezzy
Land to be developed (Address):	Lot 33 DP 11462 , 27 Bellevue Avenue AVALON BEACH NSW 2107

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 Biodiversity Referral Body cannot support the proposal as submitted due to inconsistency with the objectives of Pittwater DCP Clause B4.3 (Flora and Fauna Habitat Enhancement Category 2 Land). Additional information relating to the requirement for assessment under s 7.3 of the NSW Biodiversity Conservation Act 2016 is also requested.

Impact to Remnant Canopy Trees

This control aims to achieve development which will "retain and enhance habitat for threatened species and endangered ecological communities" and that results in "no net loss in native canopy trees". The proposed development will result in the removal of 11 out of 15 prescribed native trees on the site, eight of which are assessed as being of very high landscape significance and three of high landscape significance. Only four prescribed native trees on the site are proposed for retention. An additional Cabbage Tree Palm (*Livistona australis*) which is of very high significance but exempt by proximity to the existing building (i.e. not prescribed) is also proposed for removal.

The proposal will remove at least 75% of prescribed native trees on site, and potentially impact upon additional native trees within the adjoining road reserves and property. It is noted that retention of significant trees on adjoining land (particularly Trees 21 and 37) relies on specialised tree protection measures such as the application of low-compression foam to roots and additional irrigation during summer. Concern is raised that these measures may allow retention of the trees within the short term but that the extent of TPZ impacts will serve to accelerate the trees' decline and ultimately shorten their natural life expectancy. It is assumed that impacts to neighbouring and road reserve trees will be further addressed by the Landscape Referral Body.

The proposal to replace 12 or more remnant native trees with one Western Australian dwarf tree cultivar and one Blueberry Ash is also inconsistent with the objectives of the control.

In addition, PDCP Clause B4.3 seeks to retain and enhance threatened species habitat, including built structures which may form roost habitat for threatened microbats. It is not considered that the removal of potential microbat habitat is justified by the statement that "buildings are not protected under the BC Act and therefore can be demolished without assessment" - particularly given that the ecological survey did not establish presence/absence of microbats and that no replacement habitat is proposed.

Finally, the ecological report states that PDCP Clause B4.3 does not apply to the subject site and assesses the proposal against a different B4 control. Applicable planning controls must be addressed, as per pre-lodgement advice.

Test of Significance for Pittwater and Wagstaffe Spotted Gum Forest EEC

The subject site is identified as part of a broader local occurrence of Pittwater Spotted Gum Forest (PCT 1214) in the 'Native Vegetation of the Sydney Metropolitan Area' mapping (OEH, 2016) (Figure 1). Based on this historical mapping, Council provided pre-lodgement advice that the application was to be accompanied by a 'test of significance' for impacts to the Pittwater and Wagstaffe Spotted Gum Forest Endangered Ecological Community (EEC). The ecologist has however determined that vegetation on the subject site is not consistent with the EEC determination, based predominantly on the absence of characteristic Spotted Gum (*Corymbia maculata*) and Ironbark (*Eucalyptus paniculata*) canopy dominants, as well as the absence of shale-derived soils. A test of significance for the EEC has therefore not been provided.

Whilst the extant canopy layer on the subject site does appear to be dominated by Sydney Red Gum (*Angophora costata*), it is noted that at least four Spotted Gums were recorded on the adjoining property by a Council Tree Services Officer in May 2018. The submitted arborist report also identifies two Spotted Gums (Trees 42 and 43) on the neighbouring property at the time of inspection in February 2019. These two trees are assessed as being of a similar age to dominant canopy trees on the subject site, suggesting that all trees in this area are part of the same remnant cohort. Thus it is considered that vegetation on the site may represent a transitional community between Pittwater Spotted Gum Forest (PCT 1214) and Coastal Enriched Sandstone Dry Forest (PCT 1181).

It is acknowledged that the subject site is located on the periphery of the historically mapped patch (Figure 1). Notwithstanding this, and the fact that vegetation on the subject site may be transitional, this canopy layer is still generally contiguous with vegetation that clearly aligns with the EEC (e.g. Elouera Road). As such, removal of at least 12 native trees from this contiguous patch of vegetation is considered likely to have at least an indirect impact upon the EEC through edge effects and loss of wildlife/pollinator habitat. In accordance with the precautionary principle, it is considered that this impact should be addressed through a test of significance, regardless of whether vegetation on the subject site meets the EEC determination or instead exists as a transitional form intergrading into the non-threatened PCT.

Figure 1. Mapped local occurrence of Pittwater Spotted Gum Forest (PCT 1214) (OEH, 2016)



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.