

Natural Environment Referral Response - Biodiversity

Application Number:	DA2020/0484
Date:	18/09/2020
Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot 7335 DP 1152473 , 7335 / 1152473 Hakea Avenue FRENCHS FOREST NSW 2086 Lot 7336 DP 1152473 , 7335 / 1152473 Hakea Avenue 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

The Biodiversity referral body cannot support the proposal in its current form. The application has been assessed against the following provisions:

- NSW Biodiversity Conservation Act 2016
- WDCP Clause E2 (Prescribed Vegetation)
- WDCP Clause E3 (Threatened Species, Populations, Ecological Communities or High Conservation Habitat)
- WDCP Clause E4 (Wildlife Corridors)
- WDCP Clause E5 (Native Vegetation)
- WDCP Clause E6 (Retaining unique environmental features)

In accordance with pre-lodgement advice provided by Council in January 2020, a Biodiversity Impact Assessment (Travers Bushfire and Ecology, April 2020) has been submitted with the DA and assesses potential impacts to native fauna and vegetation including two threatened ecological communities identified on site; these are: i) Coastal Upland Swamp Endangered Ecological Community (CUS) and ii) Duffys Forest Critically Endangered Ecological Community (DFEC). The biodiversity report also includes five-part tests for threatened species including two bent-wing bat species, the grey-headed flying-fox, and two planted threatened tree species. The report also states that one hollow-bearing tree will be removed, although this tree is not identified within the biodiversity or arboricultural reports nor is it indicated on any plans.

A patch of Coastal Upland Swamp (PCT1804) occurs immediately north of the proposed chapel and new access road. In addressing potential impacts to this community, the biodiversity report states that a *"20m conservation buffer is to be placed around the CUS within the study area. This buffer is to exclude*

all development and APZs. With the implementation of this buffer, the extent of CUS will not be reduced or directly impacted". It is noted that neither the CUS nor the proposed conservation buffer is indicated on any of the submitted plans, including the combined constraints analysis submitted as additional information on 28 July 2020.

The bushfire report (Sydney Bushfire Consultants, 19 March 2020) states that the proposal does not meet the definition of either Residential or Special Fire Protection Purposes (SFPP) development and does not identify any required bushfire APZs. However, the RFS referral response received 3 June 2020 seeks to apply bushfire protection standards consistent with that of a SFPP development, including a condition requiring establishment of an Inner Protection Area (IPA) for a distance of 67m from the function centre and proposed chapel. Implementation of a 67m IPA from the development site would impact approximately 0.5ha of native vegetation, including a large proportion of the CUS and riparian vegetation along the creekline. It is noted that this may also potentially trigger entry into the Biodiversity Offset Scheme (BOS) by way of the area clearing threshold, which is 0.5ha for the subject site. It is therefore considered that the submitted information does not adequately reflect potential impacts of the proposal (taking into account RFS conditions), which are likely to result in a significant impact to CUS and riparian vegetation.

Further concern is raised regarding the proposal to remove Tree 207 (Blackbutt - *Eucalyptus pilularis*), the largest and most significant tree of the 43 specimens assessed in the arborist report, which describes the tree as an outstanding example of the species and ascribes it a useful life expectancy of 25-50 years. Whilst it is acknowledged that many other significant trees exist and are actively managed across the broader subject site, it is considered that an alternative design solution to allow for retention of this highly significant tree is warranted.

It is acknowledged that relocation of the proposed northern toilet block will serve to avoid impacts to DFEC, and this design solution is supported.

Given the above issues, it is considered that the proposal as submitted cannot comply with relevant controls. Further assessment against the NSW Biodiversity Offset Scheme (BOS) may also be required.

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.