

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0187
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 150 DP 225585 , 76 Herbert Avenue 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 Natural Environment - Biodiversity section cannot support the application due to non-compliances with biodiversity controls and insufficient information regarding impacts to biodiversity values. During the site inspection, opportunities to avoid and minimise biodiversity impacts of the subdivision were identified and discussed, particularly regarding the Lot 2 building envelope.

Detailed comments

This application was assessed under Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP Clause B4.7 Pittwater Spotted Gum. The site is also mapped as Pittwater Spotted Gum (PSG) EEC within the SMCMA V3 mapping (OEH 2016).

The **Arborist Report** (Advanced Treescape Consulting 15/02/2019) states that proposed subdivision will result in the likely removal of at least 7 native canopy trees, 5 of these being diagnostic species within Pittwater Spotted Gum (PSG) Endangered Ecological Community (EEC). A further 9 natives trees were identified for removal irrespective of the proposal, this included another 3 trees within the PSG EEC.

The **Bushfire Risk Assessment** report (Coffey 21/02/2019) states, "*The development application shall include recommendations that the site is managed in accordance with Inner Protection Area requirements of PBP.*".

The proposed subdivision in its current form will result in a net loss in native canopy trees, inconsistent with the controls. The application does not provide details on how other controls within B4.7 will be met.

This proposal is required to consider specific B4.7 controls:

- *Development shall restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants.*

- *Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.*
- *Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations.*
- *Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community).*

Proposed development under the B4.7 control which involves the subdivision of the land must provide the following supporting information:

A **Flora and Fauna Report**, which includes the formal Test of Significance (5 part-test) for Pittwater Spotted Gum EEC in accordance with the NSW *Biodiversity Conservation Act 2016*. The Ecologist must consider all biodiversity impacts including any tree removal within and immediately adjacent to the proposed building envelopes and permanent modification of vegetation for APZ requirements (if required by the bushfire report).

The **Arborist Report** (Advanced Treescape Consulting 15/02/2019) should assess the impacts to trees which may occur during demolition works within their Tree Protection Zones (TPZ) and Structural Root Zones (SRZ). An addendum report is to be submitted which addresses ways to avoid and minimise impacts to retained trees when demolishing structures within their TPZ and SRZ, especially on-ground structures.

The **proposed building envelopes** should be aligned to avoid and minimise impacts to existing native canopy trees, especially those part of PSG EEC and large hollow-bearing trees. For example, the applicant would be strongly encouraged to set-back the proposed building envelope in Lot 2 from T116 *Corymbia maculata*.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.