

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0152
<b>Responsible Officer</b>	Georgia Quinn
<b>Land to be developed (Address):</b>	Lot 2 DP 221631 , 78 Hudson Parade CLAREVILLE 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

Council's Natural Environment - Biodiversity section cannot support the application in its current form due to non-compliance with DCP controls and insufficient information.

### Detailed comments

This application was assessed under Pittwater LEP Clause 7.6 Biodiversity, and Pittwater DCP Clause B4.7 Pittwater Spotted Gum Endangered Ecological Community.

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*

The proposal is for demolition of the existing structures (driveway, garage, house and retaining walls) and the construction of a new three-storey dwelling incorporating five bedrooms, rumpus room, snug, terraces, balconies, storage, outdoor store, shower, drying area, courtyard, including new suspended driveway, garage, turning circle, 10m pool, landscaping across the whole of the site and refurbishment of the boatshed.

### Non-compliance with DCP controls

The Flora and Fauna Assessment (GIS Environmental Consultants, Feb 2019) states that the site contains "600m<sup>2</sup> of a degraded form of Pittwater and Wagstaffe Spotted Gum Forest consisting of 23

remnant canopy trees with a mostly exotic and weedy understorey." and the proposal will "remove an area of approximately 250m<sup>2</sup> of weedy native vegetation" and "result in a 170m<sup>2</sup> reduction in the extent of the EEC onsite due to the loss of canopy cover" and "remove 8 canopy trees". The formal Assessment of Significance for Pittwater Spotted Gum EEC concludes, "*The proposal is not likely to have a significant impact on the local occurrence of Pittwater and Wagstaffe Spotted Gum Forest and a Biodiversity Development Assessment Report (BDAR) is not recommended for this proposal.*". The proposal will also remove one large hollow-bearing tree. This biodiversity assessment relies on the findings of the Arborist report (discussed below) and replacement canopy tree and understorey plantings.

The Landscape Planting Schedule (Landart 22/01/19) lists 2 replacement *Corymbia maculata* Spotted Gums, 3 Cheese Trees and 5 Coastal Banksias (10 replacement canopy trees), although the Ecologist states that "*Native tree canopy replacement planting is proposed at a ratio of 3:1 (3 canopy trees planted for each one that is lost)*". The Landscaping Plan must demonstrate consistency with the Ecologist assessment and compliance with DCP controls. *Corymbia maculata* Spotted Gums to be removed must be replaced at a minimum ratio of 1:1.

#### *Further Arborist investigation required*

The Arboricultural Impact Assessment report (Standfast Tree Services 09/02/2019) assesses 36 trees in the vicinity of the proposal. Four of these trees are within the neighbouring properties, 2 of these trees will incur major encroachments within their Tree Protection Zone (TPZ), T15 and T16, both *Corymbia maculata* Spotted Gums. Thirty-two trees occur within the property, 9 of these are exempt and 23 are large locally native canopy trees. Of the 23 large locally native canopy trees onsite, 8 are proposed for removal (35%) and a further 7 will incur major encroachment within the TPZ and in some cases impacts also extend into the Structural Root Zone (SRZ). In total at least 65% of native trees will be impacted by the proposal.

Council's internal Arborist has reviewed the submitted Arboricultural Impact Assessment report (Standfast Tree Services 09/02/2019) and undertaken a site visit. The following trees proposed to be retained (T14, T15, T16, T21, T26, T27, T29, T34) require further investigation and consideration to ensure all impacts are assessed, and potential proposal redesign to ensure safe retention. There are also two additional *Corymbia maculata* Spotted Gums along the foreshore which have not been assessed. Council's Arborist is of the opinion that these trees are unlikely to remain viable and healthy in the long-term as a result of the proposed impacts, particularly demolition impacts, changes in soil levels, retaining walls and landscaping within the TPZ and SRZ of these trees.

### **Referral Body Recommendation**

Recommended for refusal

### **Recommended Natural Environment Conditions:**

Nil.