

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0394
<b>Responsible Officer</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 1 DP 202857 , 7 Trentwood Park 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

This application was assessed against Pittwater LEP Clause 7.6 and Pittwater DCP B4.2 Flora and fauna conservation category 1 and wildlife corridor, and B4.4 Flora and fauna habitat enhancement category 2 and wildlife corridor. The site is also mapped as Pittwater Spotted Gum EEC in the SMCMA V3 mapping (OEH 2016). The site is also identified as bushfire prone land.

Any development application must consider proposal options which are compliant with applicable Pittwater LEP and DCP controls, specifically:

- The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
- Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.
- Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat.
- Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.
- Development shall ensure that at least 80% of any new planting incorporates native vegetation= (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and should not include environmental weeds. Development shall provide an adequate buffer to wildlife corridors.
- Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.
- Fencing, where permitted, shall be passable by native wildlife.

The site is known as Lot 1, which was the subject of a previous court approval for a 3 lot subdivision (N0530/15). As part of the subdivision approval, 20 native trees are already approved for removal within this lot which are listed within the updated Arboricultural Impact Assessment (Urban Forestry Australia, DA2019/0394

06/03/2019).

The proposal is for a two-storey dwelling house including an internal lift and attached garage and associated landscaping of the site. The proposed dwelling is approximately in alignment with the approved building envelope, however, the proposed dwelling extends approximately 1.9m along the south-eastern envelope boundary which will require the removal of 1 additional native tree.

The updated **Arboricultural Impact Assessment** (Urban Forestry Australia, 06/03/2019) "*addresses building design changes that may have altered the initial impact assessment by Tree Wise Men [for the original court approval].*". This report states, "*One (1) tree is proposed to be removed with this current application—Tree 14(B) Eucalyptus umbra (Broad-leaved White Mahogany) located within the proposed roofline of the dwelling.*". The report provides individual tree specific protection measures and hand digging to ensure trees to be retained are protected throughout construction, including direct supervision of works near T21, T38 and T25 (which may be subject to Structural Root Zone encroachment). General tree protection measures and pruning recommendations are within Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017).

The updated **Ecological Assessment** for Lot 1 (Cumberland Ecology, 04/03/2019) states, "*As the clearing footprint is largely unchanged from the approved plan, the potential impacts upon threatened flora and fauna listed under the BC Act or EPBC act are considered to remain the same.*"

When considering the objectives of LEP Clause 7.6, controls within DCP Clause 4.2, and the fact that 20 trees are already approved for removal within this lot to allow for a single dwelling and driveway, any additional tree removal/impacts are inconsistent with biodiversity controls.

There is a feasible alternative to redesign the proposed dwelling in the southeast by removing the corner of the dwelling adjacent to T14 by 200mm, which will allow the retention and protection of T14. This will result in only minor changes to the second floor and very minor change to the first floor. No ground excavation is proposed in this area. All other instances where the proposed dwelling extends outside of the approved building envelope are acceptable provided the minor changes discussed above are made.

Council's Natural Environment - Biodiversity section cannot support the application in its current form.

Any future proposal that redesigns the southeastern corner of the dwelling, set back at least 200mm from T14 can be supported by biodiversity.

### **Referral Body Recommendation**

Recommended for refusal

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

Nil.