

Natural Environment Referral Response - Biodiversity

Application Number:	DA2022/0456
Date:	05/07/2022
Responsible Officer	Adam Susko
Land to be developed (Address):	Lot 4 DP 737411 , 62 Myoora Road TERREY HILLS NSW 2084

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 application seeks approval for the demolition of existing structures and erection of three single-storey buildings for the purpose of a retail garden centre with parking at ground level and within a basement and associated landscaping. The application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity.

The following biodiversity-related provisions apply to the site:

Biodiversity Conservation Act 2016 (BC Act) Warringah Development Control Plan (DCP) 2011

- E2 Prescribed Vegetation
- E6 Retaining unique environmental features

An Arboricultural Development Impact Assessment Report (Bird Tree Consultancy 2022) is submitted with the application.

The application requires the removal of 73 trees, (incl. T10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 80, 81, 82, 83, 86, 92, 96, 97 and 98). Of these, all are exempt under the Warringah DCP 2011, with the exception of 15 trees:

- Locally-native species

- T10,16 - *Eucalyptus haemastoma*
- T14 - *Elaeocarpus reticulatus*
- T40 - *Syncarpia glomulifera*
- T80 - *Pittosporum undulatum*
- T81 - *Angopohora costata*
- T82, 83, 86, 92, 98 - *Corymbia gummifera*
- T96, 97 - *Eucalyptus piperita*

- Exotic or planted outside natural distribution
 - T41 - *Corymbia citriodora*
 - T42 - *Eucalyptus tereticornis*

The Biodiversity Referral Section do not support the application in its current form.

Trees 41 and 42 are not native to the Northern Beaches and T42 is in poor and declining condition with significant deadwood, significant apical dieback and evidence of decay at the base of the trunk. Trees 16, 80 and 81 are locally-native however have evidence of significant decay and cavity within the trunk which places these trees at increased risk of failure. On this basis, no objection is raised by the Biodiversity Referral Section to their proposal removal.

The remaining 10 locally-native trees will be subject to major encroachments as defined by AS4970-2009 Protection of Trees on Development Sites for the proposed construction and earthworks. This will result in encroachment on the Structural Root Zones of these trees and impact their stability. These trees will not be viable for retention and will be required to be removed due to the proposed development.

Concern is raised over the non-compliant building setbacks along the Cooyong Road side of the property, which appears to be the primary contributing factor for the removal of Trees 96, 97 & 98. Given the importance of this vegetated corridor, the development should sited to avoid unnecessary removal of significant trees, including T96, 97 & 98 and where possible T86 & 92. For the purpose of the Biodiversity Referral, setbacks must be complied with to the point that long-term tree retention is possible. If trees can be retained with non-compliant setbacks, no further objection to setbacks is raised by the Biodiversity Referral Section.

In addition, the submitted Landscape Plan (Site Image Landscape Architects 2022) should be amended to include species solely from the Duffys Forest ecological community in the Sydney Basin Bioregion - endangered ecological community, along property boundaries. The purpose of this is to preserve the ecological integrity of the surrounding landscape, compensate for the loss of trees and to reinstate the original vegetation community within the site. Species should be selected from the Final Determination for the endangered ecological community:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2000-2003/duffys-forest-sydney-basin-bioregion-endangered-ecological-community-listing#:~:text=A%20Notice%20of%20Final%20Determination,information%20about%20the%20ecological%20community>

On receipt of the requested amendments, the Biodiversity Referral Section will reassess the application.

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.