Natural Environment Referral Response - Biodiversity

Application Number:	Mod2018/0076

Responsible Officer	Rebecca Englund
Land to be developed (Address):	Lot 20 DP 632081 , 79 Cabbage Tree Road BAYVIEW NSW 2104

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 does not support the application.

The proposed development would result in direct (construction footprint, extensive cut and fill, Asset Protection Zone (APZ) clearing, vehicle access) and indirect (e.g. erosion and sedimentation, weed invasion, light spillage and noise) impacts to a substantial area (approximately 2.6 ha) of native vegetation in moderate to good condition and including significant remnant trees. The 'Special Bushfire Protection Purpose ' APZs will require extensive clearing of vegetation to 'Inner Protection Area' standards including under-scrubbing and the removal of overlapping tree canopies.

Review of the Flora and Fauna Assessment (Ecological Australia 2018)

The flora and fauna assessment refers to the removal and modification of 2.6 ha of native vegetation, approximately 1.71 ha of which would be mostly cleared for the APZ. Significant remnant trees occur within the APZ and development footprint including both large (old growth trees) and small tree hollows. Such tree hollows provide nesting and roosting habitat for native fauna, including threatened species such as the Glossy Black Cockatoo, large forest owls and microbats. Despite proposing to retain identified tree hollows within the APZ, the removal of surrounding vegetation (mid-storey, shrub layer and overlapping canopies) and the potential indirect impacts resulting from the proposal will unavoidably reduce the value of such habitats for native fauna.

The flora and fauna assessment (Ecological Australia 2018) acknowledges the likelihood of threatened owl species (Barking Owl, Powerful Owl, Masked Owl) occurring within the study area. Despite the presence of numerous local records and suitable large nest hollows, survey effort undertaken on site did not include targeted survey (e.g. call playback, spotlighting / stag watch) for threatened owl species. Impact assessments (7 part tests) in the flora and fauna report state that no impacts would occur to owl roosting habitat (page 115) despite the removal/modification of 2.6ha of suitable habitat including trees species noted as the preferred roost species of threatened owls. The

assessments also state that impacts on nesting habitat are unlikely as the four (4) identified large hollows on site will be retained, albeit within an APZ. As above, Council's natural environment consider that clearing (and development) immediately adjacent to the large tree hollows will likely diminish the habitat value of the potential nest hollows.

Given the scale of impacts proposed on site, Council's natural environment consider more intensive and seasonal surveys are warranted, consistent with the publication *Threatened Species Survey and Assessment: Guidelines for developments and activities (working draft)* (DEC 2004). In relation to threatened owls, a combination of playback and spotlighting should be used during early evening or before dawn under appropriate weather conditions. The methodology and sampling frequency (5 to 8 visits as a minimum) of Kavanagh and Peake (1993) and Debus (1995) should be adopted for the detection of threatened owls on site.

For development impacts of this scale, Council's natural environment considered that substantial mitigation and offsets are required. No offsets have been identified in relation to the proposal despite the largely vacant parcel of remnant vegetation to the west of the site. Mitigation measures prescribed in the Biodiversity Management Plan (Ecological Australia 2018) along with tree planting identified in the Landsape Plan (Sym Studio) do not sufficiently account for the large number of trees and native vegetation removed by the proposal. Provision for tree replacement tree plantings is substantially limited due to requirements for management of the APZ.

Pittwater LEP and DCP

Based on the above information, the proposal is considered to be inconsistent with the objectives of part 7.6 Biodiversity Protection of the Pittwater LEP and will not;
1. protect native fauna and flora,
2. will not protect the ecological processes necessary for their continued existence on the site, and
3. does not encourage the conservation and recovery of native fauna and flora and their habitats.

The proposal is also considered to be inconsistent with the requisite outcomes of the Pittwater 21 DCP - part B4.22 *Preservation of Trees and Bushland Vegetation* as the proposal;
does not;
1) *protect and enhance the urban forest of the Northern Beaches,*
2) *protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities,*
3) *promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term,*
4) *protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Remnant trees
The intensive management of Inner Protection Area APZ's will substantially diminish the existing fauna habitats on site values of the site.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.