

Natural Environment Referral Response - Biodiversity

Application Number:	DA2018/1574
Responsible Officer	Adam Mitchell
Land to be developed (Address):	Lot 11 DP 577062 , 23 Fisher Road DEE WHY NSW 2099

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

General Comments

This proposal was assessed against Warringah LEP 2011 and Clauses E2, and E6 within the Warringah DCP 2011.

Council's Natural Environment – Biodiversity section does not support the application. The proposal has an unacceptable impact to significant trees and environmental features.

The Arborist assessment (Bluegum, August 2018) reports that 55 trees to be removed as a result of the proposal, 14 and 35 of these trees having a high and medium retention value respectively. Another 15 high and medium retention value trees will have TPZ encroachment; at least 5 of these trees will incur a significant 15-30% encroachment.

This site was the subject of a previous approved DA (DA2011/1274).

In terms of biodiversity impacts the current proposal will remove 16 significant local native trees and 8 significant local native and habitat trees will incur TPZ encroachment.

The current proposal compared to the previously approved DA, will remove an additional 7 local native trees, as well as result in significant TPZ encroachment to at least 7 local native trees. The excavation of the basement carpark is likely to impact on the TPZ of additional significant trees that have not been assessed in the submitted Arborist Report.

The Landscape Plan does not specify how many trees are being planted to replace this loss. It is also unclear what the long-term impacts of shading will have on the vegetation to be retained along the southern rocky escarpment.

During the site inspection it was noted that 8 significant local native trees have been removed since the approved DA, 4 of these since the Arborist Report was finalised (Bluegum, August 2018).

The current proposal will result in additional impacts to significant environmental features, namely the rocky escarpment along the northern boundary, which will be entirely removed.

Detailed comments

Assessment against E2 Prescribed Vegetation

The proposal in its current form is not sited and designed to minimise the impact on remnant native vegetation, including significant local native canopy trees. The current proposal has been expanded compared to the previously approved development, and will directly remove an additional 7 local native trees, as well as result in significant TPZ encroachment to at least 7 local native trees. This point clearly demonstrates that this clause has not been addressed.

It is also unclear what long-term impacts of shading will have on the vegetation to be retained in the southern rocky escarpment.

The following high- and medium-significance local native trees are proposed for removal:

T6A – *Angophora costata*
T10 – *Angophora costata*
T37 – *Elaeocarpus reticulatis*
T38 – *Angophora costata*
T40A – *Angophora costata*
T41 – *Angophora costata*
T43 – *Casuarina glauca*
T62 – *Casuarina glauca*
T67 – *Melaleuca armillaris*
T69 – *Eucalyptus haemastoma*
T70 – *Eucalyptus haemastoma*
T71 – *Eucalyptus haemastoma*
T105 – *Angophora costata*
T109 – *Angophora costata*
T110 – *Eucalyptus umbra*
T119A – *Eucalyptus robusta*

The following high- and medium-significance local native trees are proposed for retention with identified TPZ encroachment:

T7 – *Angophora costata*
T17 – *Angophora costata*
T54 – *Eucalyptus microcorys*
T56 – *Corymbia eximia*
T58 – *Eucalyptus microcorys*
T72 – *Corymbia citriodora* (29m high, not local native but provides habitat to local fauna)
T90 – *Eucalyptus grandis* (29m high, not local native but provides habitat to local fauna)
T107 – *Angophora costata*

During the site inspection the following local native trees had already been removed:

T6
T39
T40 – removed since Arborist Report
T42 – removed since Arborist Report
T44 – removed since Arborist Report
T45 – removed since Arborist Report

T46
T59
T117

Assessment against E6 Retaining unique environmental features

The site contains two significant environmental features, being the rocky escarpments generally located along the southern and northern boundaries of the site. These features provide known habitat for urban tolerant species, including *Intellagama lesueurii* Eastern Water Dragon (Kingfisher, April 2018).

The escarpment located along St David Avenue, the southern boundary of the site, and its vegetation was recommended for protection in the PLM for this application. Trees to be retained in this area are surrounded by large sandstone boulder, and sandwiched between a steep drop down the escarpment to the south and proposed deep excavation to the immediately adjacent to the north. The supporting documents do not demonstrate how trees proposed to be retained can be practically retained due to these site limitations. The Landscaping Plan does not clearly specify how much planting will be incorporated into this area.

The other rocky escarpment is located generally along the northern boundary. This escarpment will be permanently removed from the landscape due to the proposed basement carpark. The previous approved DA generally avoided any external impacts to this significant environmental feature, except an entrance to basement car parking in the northeast corner of the site. The current proposed impacts to this habitat feature are not supported.

The rocky escarpment along St David Ave will be subjected to shading all day at winter solstice, and most of the day during March and September. This is likely to result in ongoing indirect impacts of shading to this bushland vegetation, as well as reducing habitat quality for basking reptiles.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.