

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0393
<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 subdivision 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).

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 property already has a previous court approved for 3 lot subdivision. The court approved subdivision will result in the removal of 34 trees (23 prescribed).

This application proposes to further subdivide one of the approved lots into two, resulting in changes to Lots 1 and 2 and the creation of Lot 4. This application is for the subdivision only. The submitted draft subdivision plans include building footprints for the lots.

The submitted **Arboricultural Impact Assessment - Addendum** (Urban Forestry Australia 30/01/2019) assesses the impacts of the new lot including the driveway and indicative house plans. The further subdivision will result in removal of a further 7 trees (5 prescribed, being T86, T89, T60, T62, T69). In addition, trees T66 and T87, which were originally approved for removal for bushfire management purposes, are now proposed to be removed to facilitate future development on proposed Lot 4.

The Arborist Report **does not assess** the impacts of the proposed stormwater plans or connection to utilities for proposed lot 4. There is a proposed "*150mm uPVC above ground pipe and Nepean pebble stabilising bed 1m wide and pipe anchor block @ 2m cts*" which is aligned within the Structural Root Zones (SRZ) of many large locally native trees to be retained. There is also proposed trenching along the driveway alignment. The approved driveway is to be on natural ground level or raised with piers (except one small section south-west of the existing house which will require excavation). Trenching impacts have not been assessed.

Further information required including details on how the new Lot 4 will be connected to utilities, and an Amended Arborist assessment which assesses the impacts of installation of stormwater infrastructure is required, including recommended locations for the concrete anchor blocks.

A biodiversity assessment titled "**Supplementary Ecological Assessment**" (Cumberland Ecology, 12/03/2019) was provided to assess the biodiversity impacts of the proposal. The report relies on the field survey completed in September 2017. The calculated additional impacts of further subdivision within the report is 0.04 ha of native vegetation to be removed, and the remainder of the native vegetation within proposed Lot 4, 0.08 ha to be maintained as an Asset Protection Zone (APZ), the report states a total of 0.14 ha. The clearing threshold for entry into the Biodiversity Offset Scheme (BOS) for this property is 0.25 ha, and therefore the proposal does not trigger the BOS through the clearing threshold trigger. It should be noted that the cumulative impacts of the 4-lot subdivision is a total impact to 0.44 ha of native vegetation.

Cumberland Ecology Ecologists previously ground-truthed the vegetation to be "Coastal Enriched Sandstone Moist Forest" NSW PCT 1841, hence no impacts to any EEC. The report includes formal Assessment of Significance for the Powerful Owl, combined microbats (Little Bentwing-bat, Eastern Bentwing-bat, Yellow-bellied Sheath-tail-bat only), and the Grey-headed Flying-fox, all concluding that the proposal will not result in significant impacts to threatened entities. The site and surrounding land contains many records of threatened species, and to date, no targeted survey for hollow-roosting microbats has been undertaken at the site. The likelihood table within the report assesses threatened microbats as having either "low likelihood" or "unlikely to occur" despite some species having many records nearby. Furthermore, the subdivision can reasonably be assumed to result in the increase of artificial night light - this known indirect impact has not been assessed. At a minimum a ultrasonic call detector must be deployed during prescribed survey season for a minimum of 14 nights to determine presence of species currently visiting the site, as well as stag watching of suitable roosting hollows. The report states, "*The hollow-bearing stag (i.e. T112) with two hollows suitable as roosting habitat for microchiropteran bats will be removed.*". Council notes the mitigation measures "*in the previous FFA must apply to the proposed development application.*".

Furthermore, no information on how the proposal can achieve no net loss of canopy trees was provided.

Council's Natural Environment - Biodiversity section cannot complete this assessment until further information is provided.

Additional information required:

- Updated Arborist Report to assess impacts resulting from installation of stormwater infrastructure and connection of utilities, including recommendations for tree protection measures throughout construction, and recommended locations for the concrete anchor blocks.
- An original detailed subdivision plan with proposed building envelope on Lot 4, and all surveyed trees numbered.
- Updated Ecological Assessment, including targeted microbat survey and assessment of significance assessing all likely direct and indirect impacts, including potential roosting habitat.
- Details on replacement canopy trees

**Referral Body Recommendation**

Recommended for refusal

**Recommended Natural Environment Conditions:**

Nil.