

## Natural Environment Referral Response - Biodiversity

|                                        |                                                                 |
|----------------------------------------|-----------------------------------------------------------------|
| <b>Application Number:</b>             | DA2019/0762                                                     |
| <b>Responsible Officer</b>             | Julie Edwards                                                   |
| <b>Land to be developed (Address):</b> | Lot 166 DP 12749 , 131 Thompson Street SCOTLAND ISLAND NSW 2105 |

### 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 Biodiversity and Pittwater DCP B4.7 Pittwater Spotted Gum EEC. The property is also mapped as Pittwater Spotted Gum EEC within the SMCMA V3 mapping project (OEH 2016). The property is current vacant unsewered land which contains native vegetation/trees characteristic of Pittwater Spotted Gum EEC, with a exotic / mown lawn understorey.

The proposal is for the construction of a two-storey dwelling with 3 bedrooms, kitchen, living and dining, rumpus, bathroom, laundry, associated water tanks, effluent management system and fencing.

The submitted Arboricultural Impact Assessment report (Tree Report, 03/04/2019) assesses 39 trees, 23 trees within the property, and 16 trees within adjoining land. The development will result in the removal of 2 Turpentine trees which have medium retention value. Ten trees within the site will undergo major encroachments within their Tree Protection Zones "TPZ" (and some into the Structural Root Zone "SRZ"), 5 high retention value T1, T7, T8, T33, T37 and 2 medium retention value T2, T4 due to sewerage dispersal and 1 high retention value T13 and 2 medium retention value T16, T29 due to the dwelling location. A further 5 trees will undergo minor encroachments into their TPZ (T8, T12, T32, T35 and T39). The trenching locations within the Effluent dispersal zone are not currently known. Further unknown impacts are detailed below.

The submitted Bushfire Assessment Report (Building Code & Bushfire Hazard Solutions Pty Limited, 13/03/2019) recommends that the whole property be maintained to Inner Protection Area standards, however no clarification was provided to indicate if any vegetation would need to be removed to satisfy this requirement (i.e. there are trees proposed to be retained which will overhang the dwelling). There are no details of tree replacement plantings in accordance with natural environment controls and whether this will be compliant with bushfire recommendations.

The submitted Stormwater Management Plan shows trenching and the Fire Fighting Tank immediately

adjacent to significant trees. Impacts to these trees has not been assessed. Trenching and tanks should be realigned in consultation with a qualified Arborist to ensure no impacts to trees proposed for retention.

The submitted Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd, April 2019) includes a Test of Significance ("5-part test") for Pittwater Spotted Gum EEC, as well as threatened species known from the locality, all concluding non-significant impacts. This report satisfies impact assessment requirements. The recommendations include replanting 20 canopy trees to replace the 2 to be removed, which may not be feasible due to bushfire mitigation requirements.

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

#### *Further information and clarification*

- A statement addressing how the proposal has been designed and sited to avoid adverse environmental impact, in accordance with Section 7.6 (Biodiversity Protection) of the PLEP.
- A qualified Arborist is to assess the impacts of trenching within the sewerage dispersal area (referencing plans showing locations of trenches), stormwater trenching, and identify construction machinery access to minimise impacts to trees.
- The updated Bushfire Assessment Report is to explore mitigation options which reduce impacts to existing native vegetation, and is to clarify if any vegetation is required to be removed or modified to achieve the recommended APZ.
- Machinery access to the site is to be identified on the proposal plans which minimises potential impacts to trees during construction.
- Landscape Plan which shows replacement canopy trees and which complies with bushfire mitigation recommendations and natural controls (i.e. no net loss)
- Review of updated RFS referral comments may be required

#### **Referral Body Recommendation**

Recommended for refusal

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

Nil.