

Natural Environment Referral Response - Biodiversity

Application Number:	DA2018/2060
Responsible Officer	Julie Edwards
Land to be developed (Address):	Lot 163 DP 13457 , 43 Herbert Avenue NEWPORT NSW 2106

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 has been assessed under Pittwater LEP Clause 7.6 Biodiversity, and Pittwater 21 DCP Clause B4.7 Pittwater Spotted Gum (PSG) EEC and B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor. The whole of the property is mapped as Pittwater Spotted Gum EEC (NSW PCT 1214) within the SMCMA V3 mapping (OEH 2016) and there are threatened species records nearby.

The proposal is for a new dwelling with 5 bedrooms, studio, rumpus, home-office and loft areas, double carport, outdoor entertaining area and landscaping of the whole property. The site currently contains unapproved structures and native remnant vegetation consistent with Pittwater Spotted Gum EEC with some disturbed areas including exotic palms and ground covers.

There is insufficient information to assess the proposal against relevant biodiversity controls. The proposal does not appear to comply with biodiversity controls. Council's Natural Environment – Biodiversity section cannot complete the assessment until further information is provided.

Detailed comments

Inconsistent information regarding native tree impacts

The Statement of Environmental Effects (Vaughan Milligan Development Consulting Pty Ltd, December 2018) states that,

*"The proposal seeks to remove **seven** trees to facilitate the proposed development."* - page 15

*"The proposal seeks to remove **thirteen** trees to facilitate the proposed development. The Landscape Plans prepared by Serenescapes notes the manages replanting of the site, which together with ground covers and shrubs, will provide for an additional 20 trees which will have a mature height of 7m or greater."* - page 19

The Landscape Site Plan (Serenescapes 20/06/2018) shows **fourteen** trees proposed for removal, and the "existing tree schedule" table reports **thirteen** trees proposed for removal.

The Arboricultural Assessment Report (12/06/2018) states that the, *"The provided landscape plan*

*indicates the removal of **sixteen** trees across the site due to proximity to the proposed development."* -
page 6

There are also other large native trees that are within 5m of the proposed works/landscaping that have not been included in the Arborist Report. These native trees, including trees within the adjacent property, must be included in the required updated Arborist Report.

Proposed double garage and tree impacts

The proposed garage design was previously refused (N0111/17) due to unresolved impacts to a neighbouring tree, T1, a large *Corymbia maculata* (Spotted Gum). This issue has not been addressed in the current application. Council does not support the proposed garage in its current form. It is suggested that the applicant explore design alternatives such as utilising the existing leveled area, reduced garage footprint or a tandem parking scheme. Alternatively, the applicant could follow the Arborist's advice and undertake root mapping investigations, however any significant impacts to large native trees in this area are unlikely to be supported by Council. Any submitted garage design alternatives will require a support letter/updated report from a qualified Arborist, including recommendations to ensure the safe retention and protection (construction and long-term operation) of trees proposed to be retained including T1, T2 and T3.

Unacceptable impacts to native trees diagnostic of PSG EEC

The SEE does not address B4.7 Pittwater Spotted Gum EEC. The proposed development will impact more than two native trees and has not provided any information regarding PSG EEC assessment. The previously approved dwelling N0111/17 provided a design which has less impacts to native trees T19, T20, T21. The Pittwater LEP Clause 7.6 states that the consent authority must consider "any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.". The previous design provided for a 3m setback from T19, and further setback from neighbouring tree T18. The opportunity exists for re-design of the dwelling to restrict any incursion into the structural root zone (SRZ) and the tree protection zone (TPZ) of these trees.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.