**Parcel Number:** 33453

**Application No:** 10.2022.39717.1

**Description of Development: Alterations & Additions to Educational Establishment - Three (3)**

**Subject Land:**  LOT: 71 DP: 1048990

 421 Elizabeth Mitchell Drive THURGOONA

**Contact:** Renata Bali

**Date of Assessment:** 11 November 2022

**Conditions placed on Consent:**

[ ]  **No removal**

[x]  **Protect**

[x]  **Landscape Plan**

[ ]  **Compensatory Planting Details**

**Comments/Instructions:**

The Environment Team has reviewed the Test of Significance (Hamilton 2022), the SEE (Habitat Planning 2022) and the Bushfire Risk Report (Bushfire Planning Services 2022) for the proposed alterations and additions to Trinity Anglican College. The proposal would result in the removal of 62 mostly planted exotic trees and 4 juvenile Blakely’s Red Gums and the retention of 38 trees on site. None of the trees to be removed are hollow-bearing. Only 3 native fauna species were recorded during the site visit but this is more likely to be a reflection of the short time (i.e. 1 hour) spent on site rather than the actual species diversity.

A Test of Significance was prepared for 18 threatened fauna species previously recorded within 10 kms of the site. All 18 species were assessed as a group and included both mammals and birds; all five questions were addressed with the same generic answer. This approach does not take into account the habitat and foraging requirements or the mobility of a diversity of bird and mammal species. Despite the lack of detail, the Environment Team agrees that the proposed development is unlikely to have a significant impact on any threatened flora or fauna species.

The SEE states in Sections 1.3, 4.3 and 4.8.1 that, given that the site is largely biocertified, it is only necessary to provide a tree removal report. This is not correct. As of 14 February 2021, Albury’s Biocertification Order has been under review in accordance with Schedule 7, Part 8 of the TSC Act 1995. Since that date, Council cannot rely on biodiversity certification when determining development applications under Part 4 of the EPA Act or activities under Part 5 of the EPA Act. However, a Test of Significance has been prepared in support of the DA application.

Section 4.11.4 of the SEE addresses the avoid and minimise principle and we agree that there are limited options to avoid trees. Most of the trees to be removed are exotic and/or non-indigenous species that appear to have been planted as part of the previous landscaping for the college. Despite this, species such as River Sheoak, White Cedar and Red Ironbark provide foraging resources for a diversity of birds and their removal will impact local common species. Trees to be retained on the western side of the site are of high value as they are connected to the C3 corridor adjoining the site.

Section 4.11.5 of the SEE and the Bushfire Risk Report confirms that no further vegetation removal is required to establish an Asset Protection Zone (APZ).

Lighting associated with the multi-sports courts is discussed in Section 3.6 of the SEE. Light towers around the perimeter of the courts would allow for all hours use. To minimise amenity impacts, lighting would be baffled and directed downwards; landscaping would be also provided along the southern side of the campus in order to screen courts from nearby residences. Despite the measures proposed to mitigate amenity and wildlife impacts, no justification is provided to support the need for all hours operation of the courts. Lighting can encourage trespassing, vandalism and/or other antisocial behaviour. Furthermore, it is likely to generate unnecessary light pollution and to waste energy. If lighting is required, then it should be reduced to the minimum intensity necessary and be controlled by timer. In order to avoid wildlife and amenity impacts, it is recommended that court usage should be restricted to daylight hours only.

It is not clear if lighting is associated with the proposed Senior School building located close the C3 corridor on the western side of the site. If outdoor lighting is proposed, then it should be directed away from adjacent vegetation and light spill should be minimised. Warmer light between 2200 and 3000 on the Kelvin temperature scale is recommended near natural habitats.

As per comments provided by the Urban Forest Officer (email dated 15/11/22), the following conditions should be applied:

* + Refer to AS 4970 – 2009 Protection of trees on development sites.
	+ Prior to the commencement of works a qualified arborist (AQF Level 3) is to calculate the tree protection zones and structural root zones of the retained trees. All works identified to establish tree protection and remedial works are to be carried out and maintained throughout the construction phase.
	+ The large retained tree adjacent to the proposed senior school requires special attention due to the close proximity to the construction site.  It is critical for the survival of this tree that prior to commencement of works a strong temporary fence is erected that protects the tree protection zone and structural root zone calculated by a qualified arborist. This is to ensure the tree’s health and structure is protected and all arboriculture remedial works required, such as trimming of damaged tree roots, during the construction phase are carried out by a qualified arborist.

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**Referral Officer Sign Off:**