

Natural Environment Referral Response - Biodiversity

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| Application Number: | Mod2023/0211 |
| Proposed Development: | Modification of Development Consent DA2019/0916 granted for Demolition works and construction of a dwelling house including swimming pools |
| Date: | 26/06/2023 |
| Responsible Officer | Maxwell Duncan |
| Land to be developed (Address): | Lot 28 DP 8075 , 32 Bower Street MANLY NSW 2095 |

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

The proposal seeks approval for modifications to development consent DA2019/0916, granted for demolition works and construction of a dwelling house including swimming pools.

The comments in this referral relate to the following applicable controls and provisions:

- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- SEPP (Resilience and Hazards) 2021 - Coastal use area
- Manly LEP - Clause 6.5 Terrestrial Biodiversity
- Manly DCP - Clause 5.4.2 Threatened Species and Critical Habitat Lands

The proposed modifications would take place within the previously approved footprint. The subject site is known habitat for the endangered population of Long-nosed Bandicoots and therefore, an updated Terrestrial Biodiversity Report has been submitted with the application and concluded that the proposed modifications will not represent a significant impact and "it is not likely that the proposal will have a significant impact on the Endangered Long-nosed Bandicoot population at North Head. Entry into the Biodiversity Offset Scheme (BOS) and further assessment in the form of a Biodiversity Development Assessment Report (BDAR) is not considered necessary for this population". This conclusion is concurred with.

However, there are discrepancies between the submitted plans and documentation regarding the extent of additional tree removals required to facilitate the modification. While the Arboricultural Impact Assessment indicates that no additional prescribed native trees are to be removed for the modification, and indicates that Tree 17 will be retained, the landscape plan indicates that four (4) additional

prescribed native trees will be removed - specifically Trees 4, 27 and 28 (Cheese Trees, *Glochidion ferdinandi*) and Tree 17 (Port Jackson Fig, *Ficus rubiginosa*). In addition, aerial photography indicates that one or more of these trees have already been heavily pruned and/or removed without consent as per DA2019/0916.

As per the Landscape Referral, additional information (e.g. amended arborist report and/or landscape plan) are required for the Biodiversity referral to be completed. In particular, Tree 17 should be retained given its biodiversity and amenity values.

Should the application be approved, *Raphiolepis indica* is to be deleted from the landscape plan as it is considered an invasive species.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.