

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2023/0713
Proposed Development:	Modification of Development Consent DA2021/1408 granted for Demolition works and construction of a dwelling house including a boatshed
Date:	01/03/2024
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 2 DP 325220 , 16 Addison Road MANLY NSW 2095 Lot LIC 30003605 , 16 Addison Road 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 has been assessed against the following provisions:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- NSW Biodiversity Conservation Regulation 2017 (BC Regulation)
- Manly LEP Clause 6.5 (Terrestrial Biodiversity)
- Manly DCP Clause 5.4.2 (Threatened Species and Critical Habitat Lands)
- Manly DCP Clause 3.3.1.a.v (Landscaping Design – bandicoot habitat)

The subject site is identified as being within the NSW Biodiversity Values Map (BV Map) and includes areas of the 'Little Penguin Declared Area of Outstanding Biodiversity Value' as declared under the BC Act. Accordingly, the DA has been accompanied by a Biodiversity Development Assessment Report (BDAR), prepared by an accredited assessor in accordance with the NSW Biodiversity Assessment Method.

The proposed modifications relate to previously disturbed areas and internal layouts which are unlikely to present any additional impacts to the BV Map. A letter prepared by the engaged accredited assessor stipulates that "none of these changes will have any additional impact on the surrounding environment. The recommendations made in the Biodiversity Development Assessment Report, prepared by GIS Environmental Consultants (4/7/21) are still relevant."

As the BAM Biodiversity Credit Calculator has not been re-run, the BDAR addendum that has been

submitted with the modification application does not satisfy the submission requirements under the BC Act. However, in this instance rather than require resubmission of the BDAR, Council has relied upon section 7.17 2.(c) of the BC Act, namely being satisfied that the proposed modification will not increase the impact on biodiversity values.

The development is designed, sited and will be managed to avoid any significant adverse environmental impact. No additional Biodiversity conditions are recommended.

The proposal is therefore supported.

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

Recommended Natural Environment Conditions:

Nil.