

Natural Environment Referral Response - Biodiversity

Application Number:	Mod2023/0206
Proposed Development:	Modification of Development Consent DA2009/0800 granted for construction of 32 units for older people or people with a disability and sub-division.
Date:	19/06/2023
Responsible Officer	Alex Keller
Land to be developed (Address):	Lot 806 DP 752038 , 8 Lady Penrhyn Drive BEACON HILL NSW 2100

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 the Modification of Development Consent DA2009/0800 granted for construction of 32 units for older people or people with a disability and sub-division.

The modifications have been summarised in the Statement of Modification (SoM) as the following:

- "Changes to building 8
- Changes to the Stormwater Management Plan
- Changes to the Landscape design; and
- Changes to other site features, including internal road layout and new site fencing."

In regards to landscape design, no planting schedule has been provided with the submitted landscaping plans. The application seeking approval for a non natural, exotic landscape which is not in keeping with the bushland surrounds. No mention has been made in the Statement of Modifications in relation to non-compliance with the considerations of the Land and Environment Court rulings attached to the original Development application (DA2009/0800) and the previous modification (Mod2023/0191).

The proposed modification is not consistent with the intent of the court approved conditions from *Lipman Properties Pty Ltd v Warringah Council* [2010] NSWLEC 1310. The judgement states that the development's Landscaping should have been grown from provenance seeds and cuttings collected from the site except in limited circumstances.

It is understood that the plans of this modification will be modified to relate to the construction of

building 8 only and will therefore not address the non-compliance matters which will be dealt separately in BIC applications.

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.