

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0987
<b>Responsible Officer</b>	Kent Bull
<b>Land to be developed (Address):</b>	Lot 1 DP 1170245 , 0 Wharves And Jetties 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 is located within an area adjoining known habitat for Little Penguins. As such, it has been assessed for potential impacts to penguins and their habitat. The submitted plans and documentation indicate that the proposal is generally within the existing development footprint and is therefore unlikely to result in direct impact to penguins or their habitat.

However, it is noted that the proposal includes provision of 36 new outdoor seating spaces, which represents a substantial increase on the previous seating capacity and potentially an increase in the amount of litter (e.g. from napkins, food containers, disposable cutlery) being generated at the site. It is further noted that the proposal includes no details of proposed measures to reduce the impact of litter potentially generated at the site.

Given the subject site's proximity to sensitive marine environments including seagrass beds and penguin breeding habitat, it is recommended that the Assessing Officer apply a condition requiring preparation of a Waste Management Plan prior to Occupation Certificate which includes provisions for using alternatives to disposable packaging, cutlery and table furnishings.

Note: Council's Biodiversity Section has assessed the proposal for relevant impacts to wildlife and their habitat. Comments relating to ongoing waste management are advisory only and it is assumed these considerations will be addressed in further detail by the relevant Council department.

### Referral Body Recommendation

Recommended for approval, subject to conditions

### Recommended Natural Environment Conditions:

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

**Reason:** To mitigate potential impacts to native wildlife resulting from construction activity.