

Natural Environment Referral Response - Biodiversity

Application Number:	DA2018/1667
Responsible Officer	Lashta Haidari
Land to be developed (Address):	Lot 2615 DP 752038 , 181 Allambie Road ALLAMBIE HEIGHTS 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 proposed development footprint is in proximity to the western portion of the site which is covered with high quality native vegetation. Direct and indirect impacts to native vegetation will result from tree removals, clearing and modification for asset protection zones, sewer infrastructure and ongoing management of native vegetation and fauna habitat as part of the overall bush fire management measures.

The application in its current format is not supported due to unacceptable impacts to the natural environment. The location and design of the proposed development does not satisfy the objectives and/or requirements of the Warringah Development Control Plan 2011, including

- E2 Prescribed Vegetation
- E5 Native Vegetation
- E6 Retaining unique environmental features, and
- E7 Development on land adjoining public open space.

The proposed development will directly and indirectly impact native vegetation and fauna habitat, including threatened species or vegetation communities with potential for a serious and irreversible impact as mapped on the Biodiversity Values Map. The application included an amended Biodiversity Development Assessment Report (BDAR) however additional impacts mainly in relation to the required asset protection and proposed sewer construction have not been adequately addressed.

The development is located on land adjoining public open space, and should protect, preserve and enhance the native bushland and natural qualities adjoining the Park, and not threaten the protection or preservation of the bushland. The Asset Protection Zone (APZ) requirements of the NSW Rural Fire Service, as detailed in their general terms of approval dated 3 May 2019, will require extension of the APZ into the adjoin RE1 zoned land, and this is not supported. A section of the site is mapped as waterways and riparian lands, and any asset protection zone (APZ) should avoid and minimise impacts on the riparian area.

In addition to an amended BDAR, the application must include an amended Biodiversity Management Plan prepared in accordance with Council guidelines that will protect native vegetation on the subject property. The RFS also require a Plan of Management in relation to the bushfire management actions.

The development should be designed and sited to reduce impacts to native bushland within and adjoining the site. The location of habitable buildings should be concentrated within the eastern portion of the site and located close to the existing buildings in order to maximise separation distances from the adjoining hazard and utilise shielding provided by the existing development adjoining to the south. The sewer connection should be re-located to the east of the existing man-made drainage line, with construction through the existing cleared areas to connect with an existing sewer access chamber within the Park at the rear of the Martin Luther Hostel.

The proposed works to improve the local habitat associated with the eastern drainage channel are supported, and it is accepted that these works may result in better water management, including improved flow rates, better aquatic habitat, healthier bushland and a reduced weed seed source to the important Curl Curl Creek catchment downstream. The management of vegetation within the proposed 10 metre wide riparian corridor can also form part of the asset protection zone between the bushland on the western portion of the site upslope of the existing road, and this was discussed during the pre-lodgement meeting.

Based on the comments above, the development application is recommended for refusal as it does not satisfy the Warringah Development Control Plan 2011 requirements

Comments on the Biodiversity Development Assessment Report (BDAR) Addendum (TEC 3 April 2019)

The amended BDAR has addressed the majority of the previous comments. However the following additional issues are still outstanding, and these should be incorporated into any future revision.

- The BDAR must include information on the accreditation of the author, date and version of BAM, and date and version of credit report.
- Revise and update list of species, or confirm inputs such as patch size, integrity score and native veg extent in the buffer, did not alter original list
- Map 2 – additional waterways that are mapped occur within 1500m buffer area
- PCTs - a PCT must be included for both the area of trees, and impacts to these include within offset calculation
 - A single vegetation zone cannot have different PCTs
 - Need to assign a vegetation integrity score
- Provide separate map of vegetation management zones
- *Chanilobus dwyeri* – was this species recorded or not
- SAll – not addressed but none predicted for the potential SAll species – microbats breeding habitat only.
- As per previous comments, Prescribed Impacts (s6.7 of the BAM) has not be considered or addressed within the BDAR.

ORIGINAL COMMENTS

I have reviewed the Plans, Bush Fire Hazard Assessment (BHA) and Biodiversity Development Assessment Report (BDAR) submitted as part of the development application

The application in its current format is not supported due to unacceptable impacts to the natural environment. The location and design of the proposed development does not satisfy the objectives of

the DCP, including minimising impacts to trees and native vegetation, threatened species and their habitats, and unique environmental features. The development is located on land adjoining public open space, and should protect, preserve and enhance the native bushland and natural qualities adjoining the Park. A section of the site is mapped as waterways and riparian lands, and any asset protection zone (APZ) should avoid and minimise impacts on the riparian area.

The proposed development footprint is in proximity to the western portion of the site which is covered with high quality native vegetation. Direct and indirect impacts to native vegetation will result from tree removals, clearing and modification for asset protection zones, sewer infrastructure and ongoing management of native vegetation and fauna habitat as part of the overall bush fire management measures.

As the site directly adjoins the Manly Warringah War Memorial Park along the south-west and western boundaries, the site is highly constrained by bush fire risk. The proposal is a Special Fire Protection Purpose development, and the proposal includes the creation of APZs to the west of the buildings that will directly impact areas of high quality native vegetation and fauna habitat, including habitat for threatened species. In addition, the BHA and Vegetation Management Plan (VMP) provided also propose the ongoing management of the vegetation in the remaining portion of the site as an Outer Protection Area.

The development should be designed and sited to reduce impacts to native bushland within and adjoining the site. The location of habitable buildings should be concentrated within the eastern portion of the site and located close to the existing buildings in order to maximise separation distances from the adjoining hazard and utilise shielding provided by the existing development adjoining to the south. The pool building and golf putting area should be located closest to the hazard, thereby forming part of the asset protection zone. The sewer connection should be re-located to the east of the existing man-made drainage line, with construction through the existing cleared areas to connect with an existing sewer access chamber within the Park at the rear of the Martin Luther Hostel.

The proposed works to improve the local habitat associated with the eastern drainage channel are supported, and it is accepted that these works may result in better water management, including improved flow rates, better aquatic habitat, healthier bushland and a reduced weed seed source to the important Curl Curl Creek catchment downstream. The management of vegetation within the proposed 10 metre wide riparian corridor can also form part of the asset protection zone between the bushland on the western portion of the site upslope of the existing road, and this was discussed during the pre-lodgement meeting.

Based on the comments above, the development application is recommended for refusal as it does not satisfy the following natural environment controls of the Warringah Development Control Plan 2011, including Preservation of Trees or Bushland Vegetation, impacts to Native Vegetation, Retaining unique environmental features, and Development on land adjoining public open space.

Comments specific to the Biodiversity Development Assessment Report submitted are as follows.

- The BDAR was not finalised within 14 days of the submission of the development application.
- The maps should include other landscape features such as riparian zones, connectivity corridors and geological features (caves/cliffs etc). The extent of native vegetation across the site must be assessed and mapped based on the definition for native vegetation contained within the Local Land Services Act (Part 5A s60B).
- The area of each Plant Community Type (PCT) on the site, and the areas of each to be impacted is unclear. The areas within section 3.3 and Table 3-6 must be clarified.
- The use of likelihood of occurrence to discount predicted and candidate species is to be clarified where no habitat geographic limitations are contained within the database. Is the matrix set up in Table 4-2 applicable as a justification within the BAM?

- The VMP mentions possible records of Red-crowned Toadlet calls, however this species was not assessed in the BDAR.
- A species polygon is required for each species credit species.
- The extent of native vegetation vs weeds and urban exotics would need to be clarified at the interface of the development, again based on the definition contained in Part 5A of the LLS Act. The proposal includes the removal of 85 trees, many of which are native to NSW, and therefore should be assigned to a PCT and included in the biodiversity values of the site, assessed for impacts and any offsetting requirements determined for residual impacts.
- The extent of direct and indirect impacts on native vegetation and habitat requires review – a map of impacts is required. Possible impacts to native vegetation including trees within the construction zone, removal of riparian areas and changes as a result of the APZ proposed.
- The need for ongoing vegetation management for bushfire purposes is not supported, however if the action is justified it must be included as part of the development plans and clearly assessed under the application. The change in vegetation integrity that will result from any ongoing management of the native vegetation must be included as part of the BDAR, and potential offsets considered.
- Prescribed impacts have not been addressed.
- Additional detail regarding the future vegetation integrity scores used to measure change is required.

Comments specific to the Bush Fire Hazard assessment are as follows.

- The vegetation types used within the BHA, and associated setbacks appear to be inconsistent with the BDAR.
- The assumptions used in relation to asset protection zones within the Manly Warringah War Memorial Park are incorrect. While an APZ adjoins 3 Martin Luther Place, vegetation zones within the Park along the southern and western boundaries is managed as Strategic Fire Advantage Zone (Low Fuel).

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.