

Natural Environment Referral Response - Biodiversity

Application Number:	REV2021/0006
Date:	02/06/2021
Responsible Officer	Thomas Prosser
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 review application relates to the refused development application under DA2020/0552 for the demolition of existing buildings, tree removal and the construction of 24 Independent Living Units under SEPP (Housing for Seniors or People with a Disability) 2004.

The design of the development has not been altered as part of the review request as the reasons for refusal state that the information provided within the submitted Biodiversity Development Assessment Report (BDAR) was insufficient to determine the extent of impact on the Manly Warringah War Memorial Park, including the required Asset Protection Zone.

The assessment of the development against the relevant planning instruments remains identical to that which is carried out in the Statement of Environmental Effects lodged with DA2020/0552.

As identified in the previous biodiversity referral response, the application included a Biodiversity Development Assessment Report (BDAR) that has quantified the biodiversity values of the land and applied the avoid, minimise and offset hierarchy and assessed the direct and indirect impacts associated with the proposed development. While the potential impacts of the development design have been reduced from that of the previous application, the development 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 development is located on land adjoining public open space, and should protect, preserve and enhance the native bushland and natural qualities of the adjoining Park, and not threaten the protection or preservation of the bushland and fauna habitats.

Additional impacts that require further assessment, and potentially additional biodiversity offsets, have not been adequately addressed as described below.

The Asset Protection Zone (APZ) requirement of 85 metres to the south-west increases the extent and ongoing reliance of vegetation management of land within the adjoining public reserve. The adjoining public reserve has some existing asset protection requirements, both as a result of a historic agreement with the adjoining development and the Fire Management Plan requirements. However, to achieve the full 85m setback (Manly Dam APZ (4) as shown in Map 2 of the Bush Fire Management Plan (Total Earth Care Feb 2020)), the development relies on the modification of native vegetation to create an asset protection zone beyond what currently exists. Further, Council does not support the use of adjoining lands for the provision of an asset protection zone required as part of new development.

In accordance with the Biodiversity Assessment Method, all of the direct and relevant indirect impacts on native vegetation, threatened species and their habitat must be assessed. The impacts of the proposed APZ within the adjoining Sydney Water land to the north (APZ (3) of Map 2) have not been assessed in the BDAR. The future value of the biodiversity value attributes must be amended to reflect the impacts from the partially clearing of each vegetation zone, including areas such as asset protection zones. The Property Environmental Management Plan (Sydney Water Oct 2018) for the water pipeline corridor site maps the area as Environmental Protection: Restricted. Activities within this area such as burning, intensive weed control, cutting or trimming, such as the APZ works proposed, requires Sydney Water Environmental Representative approval.

The inclusion of pedestrian walkways into the native bushland area of the site mapped on the Biodiversity Values map is not supported, and these elements should be deleted.

Based on the comments above, the review application is recommended for refusal as it does not satisfy the NSW Biodiversity Conservation Act 2016, and Warringah Development Control Plan 2011 requirements.

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.