

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0683
Responsible Officer	Daniel Milliken
Land to be developed (Address):	Lot 82 DP 8076 , 35 Reddall Street MANLY NSW 2095 Lot 83 DP 8076 , 31 Reddall Street MANLY NSW 2095 Lot 84 DP 8076 , 29 Reddall Street MANLY NSW 2095 Lot 81 DP 8076 , 95 Bower Street 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

Introduction

Council's Biodiversity Section cannot support the proposal as submitted due to insufficient information and non-compliance with relevant controls.

The following relevant provisions apply to the subject site:

- NSW *Biodiversity Conservation Act 2016* (BC Act)
- 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 Landscape Design - Bandicoot Habitat

The subject site is within declared habitat for the endangered population of Long-nosed Bandicoots at North Head. As such, a Test of Significance (ToS) is required to be prepared in accordance with Manly DCP Clause 5.4.2 and Section 7.3 of the BC Act. Assessment against Manly LEP Clause 6.5 is also required. The submitted ecological report (SIA Ecological and Environmental Planning, 6 June 2019) includes a response to these requirements.

Assessment of Impacts

The submitted ecological report identifies evidence of bandicoot foraging activity within the internal lawn of one of the properties and within the immediate vicinity of the subject site. Since 2002, Council's biannual bandicoot trapping program has confirmed extensive bandicoot activity and presence within the immediate vicinity of the subject site. It can therefore be concluded that bandicoots utilise the subject site for foraging (as a minimum) and potentially as nesting habitat, although the ecological report states that no nests were identified during site surveys.

The endangered population profile (OEH, 1 December 2017) and Scientific Committee Determination

(NSW Scientific Committee, 28 February 1997) identify several key threats to survival of the population. Three of these are directly relevant and are discussed below in relation to the proposal:

1. Increased levels of road mortality

The proposal will result in 53 new car spaces and a projected net increase in traffic generation potential of 9 vehicles per hour during peak hours. Bandicoots are known to utilise the roads and grassed road reserves within the immediate vicinity of the subject lots and to be vulnerable to traffic-related mortality (particularly around dusk and at night). The submitted ecological report has not addressed potential impacts associated with increased traffic volumes, either during the construction phase or on an ongoing basis.

2. Habitat loss and fragmentation as a result of urban development

The proposal will result in the removal of all existing vegetation within the four lots, with new landscaping proposed to partially offset this loss. The total and net area of bandicoot foraging habitat to be removed has not been quantified in the submitted ecological report, nor has the report adequately quantified the proposed changes to bandicoot access within and through the site.

3. Predation by domestic cats, dogs and introduced foxes

The proposal to increase the number of dwellings on the subject site from 4 to 23 is likely to result in an increase in the number of cats and dogs residing within the site. It is considered that this substantial density increase has the potential to effectively 'sterilise' the subject site as suitable habitat for bandicoots, which are highly vulnerable to predation by domestic animals. This impact has not been addressed in the ecological report.

Conclusions

Based on the above assessment of impacts, it is considered that the submitted documentation has not adequately addressed the factors specified in Section 7.3 of the BC Act ('Test of Significance') in relation to potential impacts to the endangered population of Long-nosed Bandicoots. Further consideration of the abovementioned threats is required in order to determine whether the proposal is likely to result in a significant impact to the endangered population, and consequently whether the impacts trigger further assessment under the Biodiversity Offsets Scheme (BOS) via a Biodiversity Development Assessment Report (BDAR). Assessment is also required of the proposed development's potential impact to the 'effective' population, which is considered to represent only approximately 10-11% of the 'census' population (NSW Scientific Committee, 28 February 2017).

Furthermore, the proposal represents a significant increase in density and developed area on the subject site, as reflected by the proposed 65% exceedance in Floor Space Ratio (FSR). Based on the proposed scale of development and non-compliance with FSR requirements, it is considered that the proposal has not been "designed, sited, and will be managed, to avoid and minimise adverse environmental impact", in accordance with Manly LEP Clause 6.5 (Terrestrial Biodiversity). The proposal as submitted is therefore not supported.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.