



## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2020/0921
<b>Date:</b>	17/09/2020
<b>Responsible Officer</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 40 DP 8075 , 7 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

The following provisions apply to the subject site:

- NSW Biodiversity Conservation Act 2016
- Manly LEP Clause 65 (Terrestrial Biodiversity)
- Manly DCP Clause 5.4.2 (Threatened Species and Critical Habitat Lands)

The subject site is located within known habitat for the endangered population of Long-nosed Bandicoot at North Head and as such, any development requires a 'test of significance' in accordance with Section 7.3 of the NSW Biodiversity Conservation Act 2016. The application is accompanied by an ecological report (ACS Environmental, July 2020) which includes a test of significance for the endangered bandicoot population.

The submitted landscape plans include new landscaping within the verge and rear lot which are denoted as "subject to separate application". These areas are suggested to represent replacement habitat in partial compensation for the removal of existing bandicoot habitat proposed in the current application. It should be noted that any future proposal to replace the "indicative" landscaping in these areas with significant hard surfacing may not be supported. It is further noted that any future proposal for this area will be required to demonstrate provisions for bandicoot access from the site to the adjoining National Park. This may require approval of the Department of Planning, Industry and Environment.

Notwithstanding, the recommendations of the ecological report and the submitted landscape plan are supported. Subject to recommended mitigation measures, it is considered that the proposal will not have an adverse impact on the endangered population of Long-nosed Bandicoots or natural native vegetation.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the

Responsible Officer.

## **Recommended Natural Environment Conditions:**

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

#### **Pool Exclusion Fencing – Bandicoot Habitat**

Long-nosed Bandicoots are to be excluded from the swimming pool whilst maintaining access for bandicoots to any surrounding soft landscaping. Pool fencing must have no gaps large enough to allow access for bandicoots.

Plans are to be amended and provided to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To prevent death or injury to endangered bandicoots

#### **Height of Walls/Steps – Bandicoot Habitat**

The height of any new retaining walls or steps of new external stairways must not exceed 200mm (or lower in accordance with BCA standards). Where this cannot be achieved, a slope is to be provided in association with the retaining walls and/or stairs to permit Long-nosed Bandicoot access.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To maintain bandicoot access to existing and proposed habitat within and surrounding the site.

#### **No Bright Lighting – Bandicoot Habitat**

No bright lighting or motion detectors are to be installed to illuminate the lawn or garden areas. A modest amount of low lighting may be used for safety purposes only.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

**Reason:** Bright lighting disturbs Long-nosed Bandicoots and disrupts normal Bandicoot foraging, sheltering and nesting activity.

#### **Access to Undercroft Areas – Bandicoot Habitat**

Where concealing material is required for any undercroft areas (e.g. under the house, stairs or balcony), gaps are to be established to allow Long-nosed Bandicoot access. Gaps are to be at least 150mm high and 300mm wide.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To maintain bandicoot access to existing and proposed habitat within and surrounding the site.

#### **Access Spaces – Bandicoot Habitat**

Any new gates or fences are to be designed to include gaps appropriate to maintain bandicoot access through and within the site. Gaps are to be at least 150mm high and 300mm wide. This condition does not apply to pool fencing.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To maintain bandicoot access to existing and proposed habitat within and surrounding the site.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **Site Induction Required – Bandicoot Habitat**

The project ecologist is to prepare an induction pack for all workers which is to include information about the endangered Long-nosed Bandicoot population, their conservation significance, potential activities on-site, means of identification and the measures to be implemented for their protection. The induction pack is to be provided to all workers and confirmation of receipt is to be signed by all workers. Evidence of the site induction is to be documented and provided to the Principal Certifying Authority.

**Reason:** To prevent impacts to the endangered Long-nosed Bandicoot population in accordance with the Biodiversity Conservation Act 2016.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### **Pre-clearance Survey Required – Bandicoot Habitat**

A pre-clearance survey for Long-nosed Bandicoots is required prior to the removal or relocation of any vegetation, material or debris stockpiles. Clearing may only proceed if the survey concludes that no Long-nosed Bandicoots are present within the area to be cleared. A record of each inspection is to be made in the daily inspection register log-book. The log-book is to be made available to the Principal Certifying Authority.

**Reason:** To avoid injury or death of Long-nosed Bandicoots which may be utilising stockpiles of vegetation, materials or debris.

### **Report Dead or Injured Bandicoots – Bandicoot Habitat**

Any injured or dead Long-nosed Bandicoots found within the worksite must be reported to the National Parks & Wildlife Service (9457 9577) or Northern Beaches Council (1300 434 434).

**Reason:** To prevent impacts to Long-nosed Bandicoots in accordance with the Biodiversity Conservation Act 2016.

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

### **Retention of Natural Features**

All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

**Reason:** To ensure the retention of natural features.

### **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

**Reason:** Weed management.

### **Maintain Fauna Access and Landscaping Provisions – Manly LEP Clause 6.5**

All fauna access/movement and landscaping provisions specified in these conditions of consent are to be implemented and maintained for the life of the development.

**Reason:** To maintain fauna access to existing and proposed habitat within and surrounding the site.

### **Dead or Injured Wildlife – Manly LEP Clause 6.5**

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.

### **Control of Domestic Animals**

Domestic pet animals are at all times to be prevented from entering the adjoining National Park.

**Reason:** Protection of native wildlife and environmental values of Sydney Harbour National Park.