

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	Mod2023/0211
<b>Proposed Development:</b>	Modification of Development Consent DA2019/0916 granted for Demolition works and construction of a dwelling house including swimming pools
<b>Date:</b>	21/08/2023
<b>Responsible Officer</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 28 DP 8075 , 32 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

AMENDED COMMENTS (21 August 2023):

The amended Arboricultural Impact Assessment advises the following:

- Tree 4 which was to be retained as part of the conditions of consent for DA2019/0916 has been removed as it was "mistakenly removed along with the *Pittosporum undulatum* [...] in the initial stages of site establishment" (Botanics P/L, June 2023).
- Trees 27 and 28 have continued to decline when they were originally deemed suitable for retention. A site visit undertaken on 17/08/2023 has confirmed that the trees are in decline and have little retention value. Their replacement will be conditioned with like for like replacements to ensure continuity of habitat on the site.
- Tree 17, a high value retention tree has continued to decay and is recommended for removal. However, the tree had previously been recommended for retention and had also shown signs of improvement. As the tree is prescribed and will now be removed, additional tree replacements will be conditioned.

Amendments to the submitted landscape plan will be required to provide replacement canopy trees to compensate for tree removals and to retain wildlife habitat on the site, including habitat for the endangered population of long-nosed bandicoots.

ORIGINAL COMMENTS (26 June 2023):

The proposal seeks approval for modifications to development consent DA2019/0916, granted for

demolition works and construction of a dwelling house including swimming pools.

The comments in this referral relate to the following applicable controls and provisions:

- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- SEPP (Resilience and Hazards) 2021 - Coastal use area
- Manly LEP - Clause 6.5 Terrestrial Biodiversity
- Manly DCP - Clause 5.4.2 Threatened Species and Critical Habitat Lands

The proposed modifications would take place within the previously approved footprint. The subject site is known habitat for the endangered population of Long-nosed Bandicoots and therefore, an updated Terrestrial Biodiversity Report has been submitted with the application and concluded that the proposed modifications will not represent a significant impact and "it is not likely that the proposal will have a significant impact on the Endangered Long-nosed Bandicoot population at North Head. Entry into the Biodiversity Offset Scheme (BOS) and further assessment in the form of a Biodiversity Development Assessment Report (BDAR) is not considered necessary for this population". This conclusion is concurred with.

However, there are discrepancies between the submitted plans and documentation regarding the extent of additional tree removals required to facilitate the modification. While the Arboricultural Impact Assessment indicates that no additional prescribed native trees are to be removed for the modification, and indicates that Tree 17 will be retained, the landscape plan indicates that four (4) additional prescribed native trees will be removed - specifically Trees 4, 27 and 28 (Cheese Trees, *Glochidion ferdinandi*) and Tree 17 (Port Jackson Fig, *Ficus rubiginosa*). In addition, aerial photography indicates that one or more of these trees have already been heavily pruned and/or removed without consent as per DA2019/0916.

As per the Landscape Referral, additional information (e.g. amended arborist report and/or landscape plan) are required for the Biodiversity referral to be completed. In particular, Tree 17 should be retained given its biodiversity and amenity values.

Should the application be approved, *Raphiolepis indica* is to be deleted from the landscape plan as it is considered an invasive species.

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**

#### **Amendment of Landscape Plans**

The submitted Landscape Plan is to be amended in accordance with the following:

- Provision of the following
  - A total of three (3) Cabbage Tree Palms (*Livistona australis*)
  - Two (2) Cheese Tree (*Glochidion ferdinandi*)
  - One (1) Port Jackson Fig (*Ficus rubiginosa*)

- All areas identified in the landscape plan as "Tree and Shrub Planting" are to be amended so that they are composed entirely of locally native groundcover and/or mid-story species, except where canopy trees are proposed or existing.
- Groundcover species are to be identified on the plan at a density of 4 plants per square metre (4/m<sup>2</sup>); mid-story species are to be shown at a density of 2 plants per square metre (2/m<sup>2</sup>).
- Species are to be selected from the Manly Ward section of the Native Planting Guide available on Council's website, and are not to include hybrids or cultivars.
- The planting schedule is to be amended in accordance with the above.

The Landscape Plan is to be amended by a qualified landscape architect and certified by a suitably qualified ecologist as complying with the above requirements. The amended landscape plan and ecologist's certification are to be provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

### **Adherence to Natural Environment Consent Conditions**

All biodiversity-related conditions of consent under previous development application DA2019/0916 are to be adhered to, unless amended by these conditions of consent.

Reason: To protect biodiversity values.

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

### **Wildlife Protection**

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

If an uninjured Long-nosed Bandicoot enters the worksite or is found during a survey of holes/stockpiles, works must cease until the Bandicoot has safely vacated the worksite. Any injured or dead Long-nosed Bandicoots found within the worksite must be reported to the National Parks & Wildlife Service (NPWS). For assistance to relocate a Bandicoot from the worksite, or to report a dead or injured Bandicoot, please contact:

- National Parks & Wildlife Service – Duty Officer (9457 9577)

Reason: To protect native wildlife.

### **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.