

Natural Environment Referral Response - Biodiversity

Application Number:	DA2020/0215
Date:	30/04/2020
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 1 SP 4666 , 1 / 7 Addison Road 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 proposed development has been assessed against the following provisions:

- NSW Biodiversity Conservation Act 2016
- Manly LEP Clause 6.5 (Terrestrial Biodiversity)
- Manly DCP Clause 5.4.2 (Threatened Species and Critical Habitat Lands)

The subject site adjoins the Little Penguin Area of Outstanding Biodiversity Value (AOBV; formerly Critical Habitat) and is within the declared habitat area for the endangered populations of Little Penguins and Long-nosed Bandicoots. as listed under the NSW Biodiversity Conservation Act 2016 (BC Act). Accordingly, a 'Test of Significance' is required to be prepared in accordance with Section 7.3 of the BC Act. Given that the proposed balcony footings are limited to the existing development footprint within the formed backyard (ie. not within the AOBV or penguin habitat area), this assessment has been undertaken internally. Given the minor nature and duration of works, it is considered that the proposal can be undertaken without significant impact to threatened species. Conditions of consent are recommended to manage potential disturbance during construction.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Site Induction Required – Penguin and Bandicoot Habitat

All workers, including site inspectors and sub-contractors, are to be made aware of the potential presence of Little Penguins and Long-nosed Bandicoots through a site induction prior to commencement of works. The site induction is to include information about their conservation significance, potential activities on-site, means of identification and the measures to be implemented for their protection. A confirmation of induction is to be signed by every worker and the site manager.

Evidence of the site induction is to be documented and provided to the Principal Certifying Authority.

Reason: To prevent impacts to threatened species, endangered ecological communities and their habitats in accordance with the Biodiversity Conservation Act 2016.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**Construction Hours – Manly LEP Clause 6.5**

Construction hours are to be adhered to, with no construction vehicles or heavy machinery used outside the hours of 7:00am and 5:00pm.

Reason: Noise and vibration can disturb local native fauna (including threatened species) and prevent access to their natural habitats.

Pre-clearance Survey Required – Penguin and Bandicoot Habitat

A pre-clearance survey for Little Penguin and Long-nosed Bandicoot activity and presence is required prior to the removal of any vegetation, material or debris stockpiles. Clearing may only proceed if the survey concludes that no Little Penguins or Long-nosed Bandicoots are present within the area to be cleared or the immediate vicinity. All clearing must initially be carried out with hand tools to identify whether any penguins or bandicoots are sheltering within the area to be cleared (e.g. at the base of vegetation or under deep litter). Machinery may only be used once it has been confirmed that no penguins or bandicoots are sheltering within the area to be cleared. Clearing must be carried out at dusk and completed within one day so that penguins or bandicoots do not reoccupy partially cleared areas overnight. 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 Principal Certifying Authority.

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

Daily Inspections Required – Penguin and Bandicoot Habitat

An inspection register log-book must be kept on site recording daily inspections of all holes, machinery and construction material stockpiles, checking for Long-nosed Bandicoots and Little Penguins. Inspections are to be undertaken each work day before the commencement of works and works may only proceed once any bandicoot or penguin has safely vacated any holes, machinery or stockpiles. The log-book is to be made available to Principal Certifying Authority.

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

Report Dead or Injured Penguins or Bandicoots – Penguin and Bandicoot Habitat

Any injured or dead Long-nosed Bandicoots or Little Penguins 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 and Little Penguins in accordance with the Biodiversity Conservation Act 2016.

Protect AOBV – Penguin Habitat

The Area of Outstanding Biodiversity Value (formerly Little Penguin Critical Habitat), including rocky cliff and intertidal areas below the formed backyard, are to be fully protected for the duration of the works. There shall be no machinery use, storage of construction materials/waste, dumping, or clearing of vegetation, soil, rock or rubble within these areas.

Reason: To prevent impacts to Little Penguins and the adjoining Area of Outstanding Biodiversity Value.

Slurry and Concrete to be Removed – Penguin Habitat

All slurry or spilt concrete associated with works (including drilling) is to be contained at the source and within the construction area. Spilt concrete is to be removed before it dries. Slurry and spilt concrete are to be removed offsite.

Reason: To prevent construction-related impacts to the Area of Outstanding Biodiversity Value (formerly Little Penguin Critical Habitat).

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE****No artificial lighting in penguin habitat**

No artificial light is to be directed toward or illuminate the Area of Outstanding Biodiversity Value (formerly Little Penguin Critical Habitat) at any time during or post-construction. No bright lighting or motion detectors which illuminate the formed back yard or foreshore areas are to be installed. Low intensity lighting may be used in the formed back yard for safety purposes only.

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

Reason: To avoid impact to the declared Little Penguin Area of Outstanding Biodiversity Value.