Natural Environment Referral Response - Riparian

Application Number:	DA2020/0514

Date:	02/06/2020
To:	Anne-Marie Young
Land to be developed (Address):	Lot 2699 DP 752038 , 1 B Bolingbroke Parade FAIRLIGHT NSW 2094

Reasons for referral

This application seeks consent for the following:

- All Development Applications on land, and located within 40 metres of land, containing a watercourse, or
- All Development Applications on land containing a wetland, or located within 100m of land containing a wetland,
- All Development Applications on land that is mapped as “DCP Map Waterways and Riparian Land”.

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

Officer comments

This application, for alterations and modifications to Manly Boatshed, has been assessed against relevant legislation for the protection of waterways and the environment. All contractor inductions are to include the below information relating to the surrounding aquatic ecosystem and the need for protection of these habitats.

Beds of Zostera and Posodonia seagrass are located within the vicinity of the proposal therefore all care must be taken not to damage these beds. Contractors must be notified of the location of these seagrass beds. The invasive green alga *Caulerpa taxifolia* has previously been noted in 2013, although it was not noted at the time of the November 2018 survey the applicant must ensure staff are equipped to identify and manage Caulerpa taxifolia should it occur onsite during works in accordance with the CEMP.

Although not located during the November 2018 survey, the endangered White's seahorse (*Hippocampus whitei*) has previously been found amongst kelp on several of the piles which have been noted for removal. If White's seahorse are discovered prior to construction works the applicant must apply for approval from DPI fisheries before relocating to suitable adjacent habitat.

With adherence to the applied conditions it is unlikely that this development will have an adverse impact on the integrity and resilience of the biophysical, ecological and hydrological environment. It is therefore recommended for approval subject to these conditions.

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

Preparation of Environmental Management Checklist
A Construction Environmental Management Checklist is to be prepared and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the checklist must include all requirements of conditions of this consent addressing construction-related impacts on biodiversity.

The Checklist is to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

Construction Environment Management Plan
A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in Aquatic Ecology Report.

The report identifies risks to seagrass and other aquatic biota and recommends mitigation measures to minimize these risks (see Chapter 3.1). These issues are to be addressed, as recommending in the report, by the preparation of a Construction Environment Management Plan (CEMP). The CEMP must consider the Aquatic Ecology report, address the risks and define the appropriate mitigation measures.

The CEMP must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate and commencement of works.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Inspection of piles for Hippocampus whitei
The piles designated for removal must be inspected immediately prior to pulling works by a Marine Scientist to ensure Whites' seahorse (*Hippocampus whitei*) are not found on the piles. This must be documented in a report which is to be submitted to Council, a copy must also be retained on site. If they are found a permit must be requested from DPI fisheries before relocation to a suitable adjacent habitat.

Reason: Protection of *Hippocampus whitei*

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Prevent spread of the invasive marine alga, Caulerpa taxifolia

The invasive marine alga, *Caulerpa taxifolia*, may be present at the work site. This alga must not be removed from the work site. All tools, machinery and environmental control devices must be inspected and cleaned thoroughly prior to leaving the site. Any *Caulerpa* removed from the waterway should be tightly sealed in a plastic bag and disposed in general waste. *Caulerpa* is listed under the *Biosecurity*

Act 2015 for all NSW waters. It is illegal to possess or sell the alga and heavy fines apply.

This must be communicated to all staff during inductions and staff must be able to identify *Caulerpa taxifolia.* As a precaution the project *Construction Environment Management Plan (*CEMP) must include *Caulerpa* Management directions, reference should be made to: NSW Control Plan for *Caulerpa taxifolia* (I&I NSW 2009)

Reason: Protection of the environment.

Environmentally sensitive construction

To prevent damage to the seagrass boats and barges must ensure the impact from the movement of the barges and boats, particularly from the propeller, does not damage the seagrass meadows (especially during low tide). All plant and vessel operators are to be aware of the tidal limitations to ensure adequate depth clearance between vessels and seagrass beds. Without adequate clearance the vessels may lead to scouring of the seagrass beds.

No vessels are to be moored with an anchor or other bottom tackle in the vegetated areas identified in Figure 8 and 9 of the aquatic report. No objects are to be placed on the seagrass beds.

Reason: Protection of seagrass

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

Construction Environmental Management Checklist Inductions
All workers, including site inspectors and sub-contractors, are to be briefed on measures specified in the Construction Environmental Management Checklist through a site induction prior to workers commencing their works.

Evidence of the site induction is to be documented and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.