

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0626
<b>Responsible Officer</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot CP SP 6749 , 15 East Esplanade 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

This application was assessed against the following provisions:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- Manly LEP Clause 6.5 Terrestrial Biodiversity
- Manly DCP 5.4.2 Threatened species and critical habitat lands
- Manly DCP 3.3.1 Landscape Design - Bandicoot Habitat

The proposal involves the removal and replacement of a structurally failing section of retaining wall and the associated outdoor stairs. The SEE states, "*The proposed retaining wall and associated steps will be of the same height, alignment, design and materials as the existing structure.*" and "*It [the proposal] will maintain the character and not create in any unreasonable environmental impacts by way of landform or tree modification. Tree removal has been separately undertaken.*"

The subject site is within declared habitat for the endangered population of Long-nosed Bandicoot at North Head (under MDCP Schedule 1 Map D) . A formal Assessment of Significance 'five-part test' is therefore required under Section 7.3 of the NSW BC Act. However, given that the proposal will have a minimal impact on soft open space and bandicoot access (which will remain essentially the same), Council's Biodiversity Section has undertaken this assessment. Subject to appropriate mitigation measures during the construction phase, it is considered that the proposal is unlikely to result in impact to individual bandicoots.

### Referral Body Recommendation

Recommended for approval, subject to conditions

### Recommended Natural Environment Conditions:

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## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### Site Induction Required – Bandicoot Habitat

All workers, including site inspectors and sub-contractors, are to be made aware of the potential presence of relevant threatened species and endangered ecological communities 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 – Bandicoot Habitat

A pre-clearance survey for 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 Long-nosed Bandicoots are present within the area to be cleared. All clearing must initially be carried out with hand tools to identify whether any 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 bandicoots are sheltering within the area to be cleared. Clearing must be carried out at dusk and completed within one day so that 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 the Principal Certifying Authority.

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

### Fencing for Wildlife Passage

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

**Reason:** Management of wildlife corridors

### 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.

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

### **Appropriate Landscaping - Bandicoot habitat**

Any areas of disturbed vegetation adjacent to the new retaining walls must be subject to new landscaping to replace any potential bandicoot foraging habitat in these areas. Species planted are to be consistent with Bandicoot Habitat guidelines in Manly DCP Clause 3.3.1. Compliance with this condition is to be certified by a qualified landscape architect and submitted to Principal Certifying Authority prior to issue of the Occupation Certificate.

**Reason:** To offset removed endangered bandicoot habitat and achieve consistency with Manly DCP Clause 3.3.1.

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

### **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.