

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/1195
<b>Responsible Officer</b>	Phil Lane
<b>Land to be developed (Address):</b>	<p>Lot 10 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 11 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 12 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 13 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 14 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 15 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 16 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 18 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 8 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 9 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 19 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 20 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 1 DP 535058 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 17 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p>

### 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

Council's Natural Environment - Biodiversity section raises no objections to the proposal, subject to conditions.

The proposal has been assessed against MLEP Clause 6.5 (Terrestrial Biodiversity). The vegetation along the northern and western boundaries of the proposed festival is mapped as Swamp Oak Floodplain Forest (OEH 2016), an Endangered Ecological Community listed under both the NSW Biodiversity Conservation Act 2016 (BC Act 2016) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).

The proposal is for a temporary festival at Keirle Park within modified and managed parkland immediately adjacent a tributary of Burnt Bridge/Manly Creeks and protected riparian vegetation.

The event proposal does not include any removal of native vegetation. The proposed festival evacuation plans appear to show some indicative perimeter fencing indicated by a red dashed line. If bushland protection fencing is installed along the northern, western and southern boundaries of the

festival a minimum of 5 metres from the dripline (canopy) of existing trees, then the proposed festival is unlikely to result in long-term impact to wildlife habitat or terrestrial biodiversity at the site.

### **Referral Body Recommendation**

Recommended for approval, subject to conditions

### **Recommended Natural Environment Conditions:**

## **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

### **Building materials, sedimentation**

No building materials or other materials are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or riparian vegetation. Appropriate sediment fencing is to be installed.

**Reason:** Environmental Protection

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

### **Bushland Protection Fencing**

Prior to the commencement of any onsite building works, the boundary between the natural bushland zone and the festival construction area as shown on the submitted plans - is to be surveyed and marked clearly on the ground.

A temporary 1.8 metre steel mesh fence is to be erected between the natural bushland zone and the construction area for the duration of festival works. The fencing must be a minimum of 5m from the dripline (canopy) of existing trees along the northern, western and southern boundaries of the festival grounds.

Details demonstrating compliance, including photographic evidence, is to be submitted to the Principal Certifying Authority prior to commencement of works.

**Reason:** To ensure that the vegetation in the restricted development area is protected during and after construction.

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

### **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.