

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/0299
Proposed Development:	Demolition works, subdivision of three lots into five and construction of five new dwelling houses with swimming pools, associated landscaping and parking.
Date:	09/06/2023
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 82 DP 8076 , 35 Reddall Street MANLY NSW 2095 Lot 83 DP 8076 , 31 Reddall Street MANLY NSW 2095 Lot 84 DP 8076 , 29 Reddall 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

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

- NSW Biodiversity Conservation Act 2016 (BC Act)
- Manly LEP Clause 6.5 Terrestrial Biodiversity
- Manly DCP Clause 5.4.2 Threatened Species and Critical Habitat Lands
- Manly DCP Clause 3.3.1 Landscape Design - Bandicoot Habitat

The subject site is located within the declared habitat area of the endangered population of Long-nosed Bandicoots at North Head, and as such, requires a threatened species 'test of significance' to be undertaken in accordance with s.73 of the BC Act. The submitted Flora and Fauna Impact Assessment includes tests of significance for the endangered bandicoot population, grey-headed flying-fox and yellow-bellied sheath-tail-bat, and concludes that the proposal will not result in a significant impact to these threatened entities due to the extent of alternative habitat available within the local area. This conclusion is concurred with; however, it is considered that demolition and construction activities may result in direct impacts to individual animals without appropriate management and staging.

There is currently substantial good quality bandicoot habitat within the immediate vicinity which would already constitute part of the home range of any bandicoots utilising the subject site. Inspections undertaken by the consulting ecologist in 2021 and 2022, and a Council Biodiversity Officer in 2021 and 2023, identified no bandicoot nesting sites within the properties. Thus it is considered that construction and demolition works can be undertaken without resulting in direct impact to individual bandicoots,

subject to appropriate mitigation measures. A Construction and Demolition Environmental Management Plan (CDEMP) must be prepared to ensure that works are managed and staged in such a way as to provide adequate refugia to allow bandicoots to self-relocate as required. This will be conditioned, in addition to measures to retain bandicoot access within the site and to adjoining lands.

The development will require the removal of almost all existing vegetation on the properties. However, only one tree proposed for removal is locally indigenous (Tree 19 - *Ficus rubiginosa*), while three others are non-locally native or cultivated varieties. The remaining trees proposed for removal are either exotic or exempt and do not constitute part of a natural vegetation community. This is verified by inspections undertaken in 2021 and 2023 which confirmed that existing vegetation on the properties mainly comprises exotic and weedy species.

It is noted that the submitted Landscape Plans are compliant with applicable Landscaped Area and bandicoot habitat landscaping requirements of the Manly DCP. However, given the extent of vegetation removal required to facilitate construction, amendments to the planting schedule are considered warranted in order to retain and improve habitat values on the site. This will be conditioned, noting that additional amendments may also be recommended by Council's Landscape referrals section.

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 (iScape Landscape Architecture, January 2023) is to be amended in accordance with the following:

- All species on the planting schedule are to be locally native species selected from the Manly Ward Native Plant Guide (available on Council's website) and/or species listed in Manly DCP Clause 3.3.1 'Landscape Design - Bandicoot Habitat'. This includes all groundcover, understory and canopy species.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

Preparation of Construction and Demolition Environmental Management Plan

A Construction and Demolition Environmental Management Plan (CDEMP) is to be prepared prior to issue of the Subdivision Works/Construction Certificate.

The CDEMP is to set out environmental protection measures to implemented during the subdivision works, demolition and construction stages, and is to incorporate the following:

- Staging of demolition activities to ensure that sufficient habitat refuge areas and bandicoot egress points (e.g. access gaps along the boundaries with grassed reserves) are retained on

site during demolition. The Project Ecologist is to prepare a detailed demolition and construction schedule for inclusion in the CDEMP.

- Bandicoot protection induction procedures for workers.
- Contact details for the Project Ecologist and procedures to be followed should bandicoots or other wildlife be identified on the site.
- All other biodiversity- and landscape-related consent conditions which are required to be implemented prior to the Construction Certificate or any Occupation Certificate.

The CDEMP is to be approved by the Project Ecologist and provided to the Principal Certifying Authority prior to the issue of the Subdivision Works/Construction Certificate.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Pre-clearance Survey - Certified by Project Ecologist

All habitat for native wildlife is to be inspected by the Project Ecologist prior to its removal or demolition. This includes:

- trees and vegetation approved for removal
- buildings to be demolished
- stockpiles including demolished materials and vegetation.

If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location within 500m of the subject site.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response. Any injured or dead Long-nosed Bandicoots found within the worksite must be reported to Council (1300 434 434).

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

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.

Bandicoot conservation measures - site inductions

All workers are to be given an induction on bandicoot conservation measures prior to commencement of their duties on site. The site induction is to include information about:

- how to identify a bandicoot
- the conservation significance of the endangered bandicoot population
- measures in place to be implemented for their protection

- who to contact should a bandicoot be identified on site (i.e. the Project Ecologist) and relevant contact details.

Written confirmation of this induction is to be signed by all workers and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect Long-nosed Bandicoots which may be utilising the site.

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

Tree Removal Protocol to be Certified as Completed

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to the Principal Certifier prior to issue of Occupation Certificate.

Reason: To protect native wildlife.

Fencing for Wildlife Passage – Ecologist Certification

Any new permanent fencing (with the exception of swimming pool fencing) is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and spaced at a minimum of 6m intervals.

The Project Ecologist is to provide written certification of compliance to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To preserve wildlife corridors.

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.

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

Control of Domestic Dogs/Cats

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.