

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0791
Responsible Officer	Georgia Quinn
Land to be developed (Address):	Lot 14 SP 4868 , 14 / 11 - 13 A Oyama Avenue MANLY NSW 2095 Lot 13 SP 4868 , 13 / 11 - 13 A Oyama Avenue 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 following biodiversity provisions apply to the subject lot:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- Manly DCP Clause 3.3.1.a) (Landscaping in Bandicoot Habitat)
- Manly LEP Clause 6.5 (Terrestrial Biodiversity)

A north-western portion of the subject lot is part of the declared Area of Outstanding Biodiversity Value (AOBV; formerly Critical Habitat) for the endangered population of Little Penguins at Manly. Furthermore, the entirety of the lot is declared habitat for the endangered Little Penguin population and the endangered population of Long-nosed Bandicoots at North Head.

Given that the proposal consists entirely of internal works, with no proposed modifications to soft open space and no activity within the AOBV, it is considered that the development does not trigger the requirement for a Biodiversity Development Assessment Report (BDAR). However, as the development is within the declared penguin and bandicoot population areas, a five-part test is required to be undertaken in accordance with Section 7.3 of the BC Act. Given the minor nature of works, this assessment has been applied by Council's Biodiversity Section and concludes that this minor proposal is unlikely to result in a significant impact to threatened entities. Conditions of consent are recommended to mitigate any construction-related impacts.

Referral Body Recommendation

Recommended for approval, subject to conditions

Recommended Natural Environment Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

No Bright Lighting

No bright lighting or motion detectors are to be installed to illuminate the lawn or garden areas. A modest amount of low lighting may be used for safety purposes only.

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

Reason: Bright lighting disturbs Long-nosed Bandicoots and disrupts normal Bandicoot foraging, sheltering and nesting activity.

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 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.

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.

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).

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.