

Natural Environment Referral Response - Biodiversity

Application Number:	DA2020/0855
Date:	20/10/2020
Responsible Officer	Renee Ezzy
Land to be developed (Address):	Lot 76 DP 8075 , 83 Bower Street MANLY NSW 2095 Lot 77 DP 8075 , 83 Bower 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 proposed development has been assessed against the following 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 Section 3.3.1.a)iv) Landscaping

The proposal involves demolition of the existing dwelling and structures, construction of a new dwelling generally within the existing footprint, and new landscaping.

The subject site is located within known habitat for the endangered population of Long-nosed Bandicoot at North Head and as such, any development requires a 'test of significance' in accordance with Section 7.3 of the NSW Biodiversity Conservation Act 2016. The application is accompanied by an ecological report (ACS Environmental, July 2020) which includes a test of significance for the endangered bandicoot population.

The submitted landscape plan indicates that the proposal will not result in a significant permanent loss of potential or known bandicoot habitat. It is therefore considered that the most significant potential impact relates to demolition works and the potential for mortality or injury to bandicoots currently utilising the site. For this reason, demolition works are to be supervised by the project ecologist.

Subject to recommended mitigation measures, it is considered that the proposal will not have an adverse impact on the endangered population of Long-nosed Bandicoots, bushland vegetation or wildlife habitat.

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 CEMP – Manly LEP Clause 6.5

A Construction Environmental Management Plan (CEMP) is to be prepared outlining all measures for the protection of native fauna and vegetation during the construction phase. Measures to be addressed in the CEMP include, but are not limited to, all conditions of this consent addressing construction-related biodiversity impacts.

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

Reason: To ensure conditions for the prevention of construction-related biodiversity impacts are complied with during the construction phase.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Ecologist to Induct Site Manager – Bandicoot Habitat

Prior to commencement of construction works, the project ecologist is to meet with the site manager to:

- a) advise of conditions to be implemented for protection of threatened Long-nosed Bandicoots
- b) ensure that all workers are appropriately briefed on required protective measures; and
- c) inspect protective measures to confirm their adequacy and advise the proponent and site manager of the inspection results and their implications.

Reason: To prevent impacts to threatened Long-nosed Bandicoots.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Impacts to Protected Native Wildlife

Potential wildlife habitat including existing landscaping and garden structures is to be inspected by the Project Ecologist for bandicoots and other native wildlife prior to demolition and removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist. 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. 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 Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect threatened species and wildlife habitat.

Daily Inspections Required – Bandicoot Habitat

An inspection register log-book must be kept on site recording daily inspections of all holes, machinery and construction material stockpiles, checking for Long-nosed Bandicoots. Inspections are to be undertaken each work day prior to commencement of works and works may only proceed once any bandicoot has safely vacated any holes, machinery or stockpiles. The log-book is to be made available to Principal Certifying Authority.

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

CEMP to be Implemented – Manly LEP Clause 6.5

Construction is to be undertaken in accordance with the Construction Environmental Management Plan (CEMP). All workers are to be made aware of the content of the CEMP.

Reason: To ensure conditions for the prevention of construction-related biodiversity impacts are complied with during the construction phase.

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.

Protect Grassed Foraging Areas – Bandicoot Habitat

There is to be no off-loading or storage of construction materials or debris on the grassed lawn or grassed road verge adjacent to the property. The integrity of the grass must be preserved at all times.

Reason: To prevent direct physical injury to Long-nosed Bandicoots and allow for foraging activity. This area is likely to be used by bandicoots for foraging.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

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.