

Natural Environment Referral Response - Biodiversity

Application Number:	DA2021/1400
Date:	06/10/2021
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 3 DP 8075 , 88 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 proposal has been assessed against the following provisions:

- NSW Biodiversity Conservation Act 2016 (BC Act)
- Manly LEP Clause 6.5 (Terrestrial Biodiversity)
- Manly DCP Clause 5.3.2.1 (Threatened Species and Critical Habitat Lands)
- Manly DCP Clause Manly DCP Clause 3.3.1.iv) (Landscaping in Bandicoot Habitat);

The property is located within known habitat for the endangered population of Long-nosed Bandicoots at North Head; as such, assessment of potential impacts is required to be undertaken in accordance with Section 7.3 of the NSW Biodiversity Conservation Act (i.e. the threatened species "test of significance"). This assessment has been undertaken and has concluded that the proposal is unlikely to result in significant impact to the endangered bandicoot population.

Given that evidence of bandicoot occupation was identified within the site, a wildlife relocation protocol is required to be prepared by a suitably qualified ecologist prior to the Construction Certificate.

The submitted Landscape Plan does not comply with MDCP cl 3.3.1.iv) and comprises mostly exotic species with limited habitat value. The Landscape Plan is to be amended (in accordance with consent conditions recommended by the Biodiversity and Landscape Referral Bodies) prior to Construction Certificate.

It is considered that the proposal generally complies with the controls, subject to the abovementioned conditions.

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 a Bandicoot Relocation and Habitat Removal Protocol

The Project Ecologist is to prepare a Bandicoot Relocation and Habitat Removal Protocol prior to issue of any Construction Certificate. The protocol must be included as a section of the Construction Environmental Management Plan (CEMP) and must include:

- a pre-commencement inspection of all likely bandicoot habitat, with a focus on areas of habitat to be removed or disturbed
- protocols for the safe relocation of any Long-nosed Bandicoots found within habitat to be removed. Any bandicoots identified within areas to be cleared or demolished must be safely captured and appropriately relocated by the Project Ecologist or a licensed wildlife carer.
- a map identifying the specific area to which any captured bandicoots will be located.
- a description of the relocation habitat and justification as to why it is suitable for bandicoots.
- procedures for stop work in the event that a bandicoot is identified within areas proposed for clearing, demolition or construction, or if a bandicoot is harmed during works.

The protocol is to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect individuals of the endangered bandicoot population.

Fencing for Wildlife Passage

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.

Plans are to be amended accordingly and certified by the Project Ecologist as complying with this condition. Written certification of compliance is to be prepared by the Project Ecologist and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain wildlife corridors and access to habitat.

Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following requirements:

- At least 60% of the species on the plant schedule are to be native species
- At least 30% of the species on the plant schedule are to be consistent with the requirements of Manly DCP Clause 3.3.1.iv) (Landscaping in Bandicoot Habitat).
- Any additional requirements as per the conditions of consent.

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

Reason: To achieve compliance with applicable natural environment controls and maintain bandicoot habitat.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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.

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

Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

Certification of Landscape Plan

Landscaping is to be implemented in accordance with the Landscape Plans, as amended by these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To achieve compliance with relevant natural environment controls and maintain bandicoot habitat.

No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

Bandicoot Relocation and Habitat Removal Protocol

All demolition and construction work is to be undertaken in accordance with the Bandicoot Relocation and Habitat Removal Protocol, prepared by the Project Ecologist in accordance with these conditions of consent. Compliance with this condition is to be certified by the Project Ecologist in writing and a copy provided to the Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect individuals of the endangered Long-nosed Bandicoot population.