

Natural Environment Referral Response - Biodiversity

Application Number:	DA2023/0374
Proposed Development:	Construction of a studio and car parking structure
Date:	03/08/2023
Responsible Officer	Dean Pattalis
Land to be developed (Address):	Lot 4B DP 361236 , 18 The Serpentine BILGOLA BEACH NSW 2107 Lot 4A DP 361236 , 20 The Serpentine BILGOLA BEACH NSW 2107 Lot 5 DP 13497 , 20 The Serpentine BILGOLA BEACH NSW 2107

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

AMENDED COMMENTS 03/08/2023

An addendum to the Arboricultural Impact Assessment has been submitted to address the concerns raised by Council's Traffic Engineer in relation to lines of sight. As per the Amended Landscape Referral, no additional biodiversity related conditions are required.

AMENDED COMMENTS 19/07/2023

Amended plans and an amended arborist report have been submitted with the application following comments from the Traffic Engineer referral. An additional two trees (8 and 16) have been identified for removal to improve lines of sight. Additionally, trees 12, 15, 17 and 18 will have to be pruned. No additional conditions will be imposed as trees 8 and 16 have been identified as "suckers".

ORIGINAL COMMENTS 29/05/2023

The proposal seeks approval for the construction of a studio and car parking structure. The comments in this referral relate to the following applicable controls and provisions:

- SEPP (Resilience and Hazards) 2021 - Development within the coastal environment
- Planning for Bushfire Protection 2019
- Pittwater LEP 2014 - Part 7.6 Biodiversity Protection
- Pittwater 21 DCP - Clause B4.17 Littoral Rainforest - Endangered Ecological Community

The proposal has been submitted with an Arboricultural impact assessment which determined that 7 trees would need to be removed in order to accommodate the proposed development footprint. Of these 7 trees, 6 are prescribed trees (Trees 2,3,4,5,6, and 7).

The submitted Bushfire report has also confirmed that the entirety of the site would be managed as an Asset Protection Zone having awarded a level of risk of BAL-29 to the site. The APZs would be self contained within the site, avoiding the need for any vegetation removal within the road/council verge for the purposes of compliance with PBP 2019.

The landscaping schedule proposed only includes two new trees to be planted identified as T5 (*Elaeocarpus eumundi*) and T6 (*Elaeocarpus reticulatus*) on page 3 of the Plans - Master Set. T5 will have to be replaced by an additional *Elaeocarpus reticulatus* as *E. eumundi* is not native to the area. As per the Landscape referral comments an additional two *Livistona australis* palms and a *Glochidion ferdinandi* will have to be planted to avoid breaching PDCCP controls due to net canopy loss.

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 is to be amended in accordance with the following:

- Replace *Elaeocarpus eumundi* with *Elaeocarpus reticulatus*.
- 2 *Livistona australis* (cabbage tree palm) to be planted on site
- 1 *Glochidion ferdinandi* (cheese tree) to be planted on the road verge between Tree 11 and Tree 12

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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

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.

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

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.