

Landscape Referral Response

Application Number:	DA2024/0774
Date:	06/08/2024
Proposed Development:	Construction of a dwelling house including swimming pool
Responsible Officer:	Nick England
Land to be developed (Address):	Lot 1 DP 1086858 , 6 Mitchell Road PALM BEACH NSW 2108

Reasons for referral

This application seeks consent for the following:

- Construction / development works within 5 metres of a tree or
- New residential works with three or more dwellings. (RFB's, townhouses, seniors living, guesthouses, etc). or
- Mixed use developments containing three or more residential dwellings.
- New Dwellings or

Officer comments

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D12 Palm Beach Locality.

The proposed development works are supported by a submitted Arboricultural Impact Assessment (AIA) and Landscape Plans for consideration by Landscape Referral.

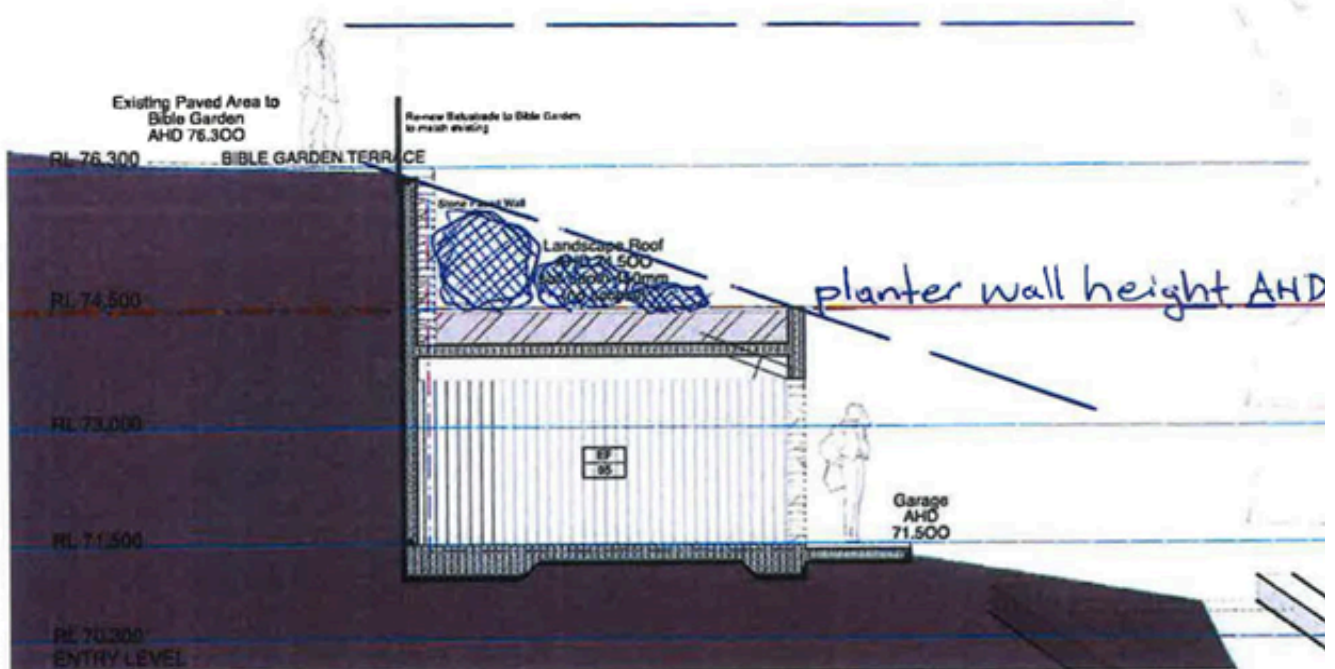
The AIA report recommends the removal of two exempt trees Tree 8 (*Washingtonia robusta*) and Tree 11 (*Brachychyton acerifolius*). These trees do not require consent for their removal and no objections are raised. It is noted that the Civil Plans include a turning bay that is located where trees T5, T6 and T7 exist, whilst the MasterSet Plans and Landscape Plans do not include this hardstand area, and the proposal for tree retention or removal is thus misleading without co-ordinated plans.

The development site adjoins the locally listed heritage item identified within the Pittwater Local Environment Plan (PLEP) as "The Bible Garden". Physically the development lot and the Bible Garden are separated in the majority by landform elevation including large rock ledges. Existing trees and vegetation within the Bible Garden shall be protected and tree protection fencing shall be required as imposed by conditions to the two existing *Pinus pinea* (Stone Pine) during excavation works for the new retaining walling at the Bible Garden boundary. As identified in the Parks Reserves and Foreshores Referral, the impact to existing landscape elements within the Bible Garden are unknown as the proposed retaining walling has not accounted for over excavation.

It is noted that the proposed development retains existing rock ledges beyond the parts to be removed for building works and no concerns are raised as the presence of this natural landscape feature is

preserved.

The submitted Landscape Plans are conceptual in intent and there are components that require further clarification or amendment. The rooftop planter shown on the MasterSet Plans is at AHD 74.50 for the highest planter and at AHD 73.600 for the lower planter. The maximum permitted development height is AHD 74.500 such that the higher planter with soil and walling at AHD 74.500 is already at the maximum height and thus the proposed planting is required to, either not be taller (requiring reduced soil depth) or designed to appreciate the view angle as shown in the figure below, and detail layout and sections are required to be submitted to illustrate this on all plans.



Clearly the planter walling at AHD 74.50 presents the limits that as viewed from the Bible Garden, no planting should be over the view angle. To preserve the views from the Bible Garden, conditions will be imposed that at all times the edge of the planter walling at AHD 74.500 shall be visible, and any introduced planting or windblown planting shall also be maintained to be restricted to this height in perpetuity.

Furthermore the Landscape Plans are required to be documented to comply with the documentation scope under Council's DA Lodgement requirements.

Landscape Referral concerns:

- impact to Bible Garden landscape elements,
- turning bay and its impact upon the landscape area calculations,
- unclear identification of planting scheme to ensure that AHD 74.500 view angle is not breached by planting,
- landscape plans to be documented in accordance with Councils DA Lodgement requirements.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Landscape Conditions:

Nil.