

Landscape Referral Response

Application Number:	DA2022/0549
Date:	18/08/2022
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 102 DP 1224100 , 2 Wyadra Avenue FRESHWATER NSW 2096

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

Amended Plans Comment 18/08/2022

Amended Plans submitted following applicant meeting are noted.

The plans have minimized the impact of the parking space on the western side of the site within the approved building envelope.

In consideration of the building envelope imposed under the Consent for DA2020/0147 by the NBLPP, the proposed amendments are considered satisfactory.

In order to ensure no further visual impacts are created, it is recommended that an additional condition be included prohibiting construction of a carport/shelter over the car space if it is not already in the Positive Covenant Building Envelope documentation.

Additional Comment following applicant meeting. 10/08/2022

On 18 November 2020 the Northern Beaches Local Planning Panel approved DA2020/0147 - 14 & 16 ELLEN STREET CURL CURL AND 2 WYADRA AVENUE FRESHWATER - CONSOLIDATION OF 3 LOTS INTO ONE LOT AND RESUBDIVISION INTO 3 TORRENS TITLE LOTS .

The Panel approved the application with the following Condition of Consent added:

20 Positive Covenant Building Envelope

A positive covenant (to be registered on the Title of the land to accompany the Subdivision Certificate application) requiring the proprietor of the land to comply with the building envelope restrictions for a dwelling house at 2 Wyadra Avenue, as shown on the stamped approved plans reference reference DA1 Amend 1-001, DA1 Amend 1 -200, DA1 Amend 1-301, DA1 Amend 1 -

302, DA1 Amend 1 – 303 all dated 22 September 2020 and prepared by Peter Stutchbury Architects.

The terms of the Positive covenant are to be prepared by a Legal Practitioner, pursuant to Section 88B of the Conveyancing Act 1919 with the restrictions applying to 2 Wyadra Avenue for a future dwelling house, including the heights and setbacks shown on the indicative sections, elevations and plans.

Northern Beaches Council shall be nominated as only party able to release, vary or modify such covenant. Details are to be submitted with the Subdivision Certificate application.

Reason: To ensure built form is consistent with the pattern and scale of surrounding development in response to the site constraints and existing amenity.

The current application DA2022/0549 is for Demolition works and construction of a dwelling house.

The Statement of Environmental Effects notes that the Subdivision Certificate is yet to be approved and that a Deferred Commencement Condition is anticipated to enable the sub-division requirements to be met prior to activation of the current DA, if approved.

A proposed sub-division plan (without building envelopes) is included with the DA documentation.

The SEE notes that the proposed dwelling is designed to comply with the requirements of the Positive Covenant Building Envelope Condition 20 of DA2020/0147:

This development application is for the demolition of the existing secondary dwelling (presently at the rear of 14 Ellen Street) and construction of a new two storey house, parking platform and carport on proposed Lot 202, 2 Wyadra Avenue. The design is consistent with the indicative dwelling endorsed by Council as part of the consent to DA2020/0147 and by owners of the adjoining properties at 23 and 25 Loch Street.

A Subdivision Certificate is yet to be approved and it is anticipated that the consent for the new house will likely be subject of a deferred commencement consent conditional on a Subdivision Certificate being approved and the new Lot and Deposited Plan being formally registered. Conditions 14, 15, 16, 17, 18, 19 and 20 of the development consent DA2020/0147 being complied with before the consent for the new dwelling house becomes operational.

The design of the new house will comply with the building envelope depicted on the approved drawings reference DA1 Amend 1-001, DA1 Amend 1 -200, DA1 Amend 1-301, DA1 Amend 1 -302, DA1 Amend 1 – 3

It is apparent that Condition 20 was added without referral back to internal referral bodies for comment and the new subdivision has not yet been approved, which has made assessment of the DA 2022/0549 difficult.

Previous comments regarding the location of the elevated car-space on the northern boundary are still raised as a concern with the proposed development, notwithstanding that it complies with the building envelope included in Consent for DA2020/0147.

If the car-space is to be located as per the approved envelope, it is recommended that design refinement be undertaken to reduce the visual impact of the elevated structure from public viewing areas.

The following measures would be recommended to help reduce the visual impact of the structure as discussed with the project Architect this morning:

- Locate the structure as far to the west as possible (turntable was indicated to be able to be moved to the west to assist in gaining some further setback)
- Locate structural pylons as far to the west as possible and cantilever the structure as much as possible to the east
- Reliance on planting in a planter structure forward of the car-space is not supported as a means of screening given the harsh coastal conditions of the site
- The application of materials such as timber (as proposed for the dwelling) to soften the structure should be provided.
- Any covenant should be updated to ensure that no additional structure (such as a carport) are to be constructed over the car-space.

Consideration could also be given to use of the existing 27m long driveway for additional vehicle parking.

The design refinement could perhaps be conditioned as a further deferred commencement condition or amended plans provided prior to determination.

Original Comment

The application seeks consent for demolition works and construction of a dwelling house.

The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):

C3 Parking Facilities

D1 Landscaped Open Space and Bushland Setting

E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation

E6 Retaining unique environmental features

The Architectural Plans prepared by Peter Stuchbury Architects and Landscape Plans prepared by Jane Irwin Landscape Architecture are noted.

The proposed house and landscape design response to the constraints of the site and respect and enhance the natural features of the site, which is supported.

Concern is raised regarding the proposed elevated parking platform proposed on the northern side of the site.

The elevated carpark requires a large relatively high structure above steeply sloping ground levels below, resulting in a prominent structure along the northern boundary. It is evident that a parked car in the proposed location atop the structure would be a prominent and incongruous feature in this visually sensitive location.

Whilst it is recognized that vehicular access to the site is established along the northern boundary, and that a turntable to enable forward access into and out of the site is proposed, the addition of the carspace beyond that component is considered too visually intrusive to be supported in consideration of the relevant planning controls.

It is recommended that the carpark space be deleted. If a second carspace is required, redesign of the

proposal to relocate the space would be required.

Conditions have been provided if the proposal is to be approved.

The proposal is therefore supported.

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

Recommended Landscape Conditions:

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Landscape Features and Sites of Significance

a) All natural landscape features including natural rock outcrops, natural vegetation, soil and watercourses are to remain undisturbed during demolition, excavation and construction works except where affected by works detailed on approved plans.

b) Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

c) Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

Protection of Existing Street Trees

a) All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

b) All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

c) Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site not indicated for removal on the approved plans, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
 - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
 - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on

Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

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

Landscape Completion

a) Planting is to be implemented in accordance with Landscape Plans prepared by Jane Irwin

Landscape Architecture:

LA-000 Cover sheet A

LA-100 Site plan B

LA-101 Section B

LA-102 Entrance courtyard A

LA-103 Design Principles B

LA-104 Materials + Planting palette A

b) Prior to the issue of any Occupation Certificate details (from a qualified horticulturalist, landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Environmental and Priority Weed Control

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.