

Landscape Referral Response

Application Number:	DA2021/2364
Date:	22/12/2021
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 17 DP 8595 , 121 Pacific 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

The development application is for the demolition of existing structures and the construction of a new dwelling, garage, carport, swimming pool and cabana, and associated works within the property.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12 Palm Beach Locality

The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.

A Arboricultural Impact Assessment and Landscape Plans are submitted with the application. The Arboricultural Impact Assessment includes the recommendation that should the proposed development footprint be approved, existing trees located within adjoining property (tree 3 - Canary Island Palm within property 119 Pacific Road, and trees 20 - Tuckeroo and 21 - Washingtonia Palm within the right of way for property 123 Pacific Road) are required to be removed and Landscape Referral do not support this without the following information:

- Firstly, it is noted that the three trees are all Exempt Species not requiring Council consent. However Council will require a written Owners Consent from neighbouring property owners to be submitted as part of this development application should the owners agree for removal, for Council records as removal of the existing trees is not within the development property,
- Secondly, owners shall be made aware that they are not obliged to grant consent and the applicant shall not represent to the owners that Council agrees with any such removal.

Should Owners Consent not be granted, a non-invasive root investigation assessment by a AQF level 5 arborist around the base of the subject trees shall be undertaken as noted in the Arboricultural Impact

Assessment and provided to Council with recommended tree protection measures if the encroachments are possible without undermining the integrity and health of the trees.

Additional trees proposed for removal include: tree 1 (Canary Island Palm), tree 2 - Spotted Gum, and tree 4 - Grey Ironbark within the property, and tree 14 within the road reserve verge. Concern is raised that the proposed removal of existing tree 4 - Grey Ironbark, located within the front setback, is not consistent with the LEP objectives of the C4 zone and the DCP landscape controls of B4.22 and C1.1, and as the tree is assessed with a long safe useful life expectancy, design alternatives through footprint re-arrangement shall be considered to retain this tree, with a building setback from the tree to be established by a AQF level 5 arborist to ensure manageable encroachment is determined. Council supports the comments in the Arboricultural Impact Assessment that this tree " is in good condition with good vigour, the tree has a form typical of its species, and the tree provides a fair contribution to the visual character of the local area."

The Landscape Plans submitted include landscape proposals to enhance the existing landscape setting. It is unknown through the documentation to what extent the proposal contains new landscape works within the public road reserve. Existing trees and vegetation are located in the road verge however should the landscape proposal be for new landscaping, then a Minor Encroachments application is required. Any approval of the landscape works is confined to the property boundaries. The Landscape Plans are able to be approved subject to conditions.

Landscape Referral are unable to continue the assessment until the following information is provided:

- Owners Consent for removal of existing trees within adjoining properties, or otherwise a sensitive tree root investigation to those trees if Owners Consent is not provided for preservation of the trees with recommended tree protection measures,
- Design alternative layout to preserve existing tree 4 - Grey Ironbark
- Adjusted and co-ordinated Landscape Plans

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.