

Landscape Referral Response

Application Number:	DA2023/0894
Date:	25/03/2024
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 292 DP 16362 , 18 Rock Bath 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; 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.

Updated comments:

Amended plans and reports are included to resolve the raised issues as outlined in the previous comments, including:

- amended Stormwater Plans to relocate the proposed level spreader further upslope.
- a Vegetation Management Plan indicating a reduced area of cleared land and vegetation within the public road reserve for the construction of the proposed driveway.

The Landscape Plan has not been updated to reflect the Vegetation Management Plan, and amended Landscape Plans are required prior to Construction Certificate, and conditions shall be imposed.

The Arboricultural Impact Assessment and Management Plan remains valid subject to conditions.

Previous comments:

In the assessment of the landscape outcomes of the proposal, Landscape Referral have visited the

adjoining road reserve land, rock pool, and rock platforms in proximity to the development property on a number of occasions, as well as the beach and Reserve land, to gain a clear understanding of the proposal against PLEP and PDCP principles and controls. Additionally a site review of the road reserve land with Council's Bushland Management Officer has been undertaken to determine the resilience of existing native species found.

In terms of the landscape proposal within the development property boundaries, Landscape Referral raise no concerns generally except where identified below, based on the calculation prepared by the applicant that the required landscape area of 60% is achieved, and the landscape area matter shall be determined by the Assessing Planning Officer. The Landscape Plan proposals within the property include at grade and on structure planting appropriately selected for the harsh coastal environment. The existing native Paperbark tree located along the southern boundary is proposed for retention and protection. There are no new tall trees proposed within the property and rather typical wind and salt spray suited species such as Coastal Tea Tree and Coastal She Oak, that a more typical as tall shrubs in coastal exposed sites, are proposed to be planted below the dwelling on the lower slopes and these are typically low height and wind pruned and unlikely to impact any views.

The proposed stormwater dispersal system is located whereby dispersal is directed into the cliff bushland zone, that will ultimately, during heavy rains disperse residential chemicals and other toxins downslope and fundamentally Landscape Referral do not support this strategy, in consideration of Pittwater LEP clause 7.8 Limited development on the foreshore area. The location of the dispersal trench shall rather be located further upslope below the verandah planter, and amongst the planted zone indicated on the Landscape Plan such that at least 3 metres of mass planted area is provided from the dispersal trench to the edge of new mass planting extent.

Landscape Referral raise the following concerns for the proposals within the property that require clarification and/or further information:

- roof planted area to be 600mm soil depth to support the intended planting, however understanding of any existing view loss from the height of planters and planting is to be considered and clarified in all documents.
- selection of easy care species for roof and other planting is to be considered and whether irrigation shall be provided for all planting on structure.
- the impact of the proposed stormwater dispersal system whereby dispersal is directed into the cliff bushland zone dispersing residential chemicals and other toxins downslope.

Within the road reserve land, the Landscape Plans indicate replanting of extensive areas with proposed native trees, shrubs and groundcovers, and concerns are raised that such extensive clearing of vegetation is unwarranted and not necessary. On review of the road reserve land, many existing and resilient locally native species exist in areas that are not impacted by the road works proposed and all should be retained. The Landscape Plans and the Arboricultural Impact Assessment only document existing trees, however as sighted additional locally native trees and many typical vegetation association species have been identified and all should be retained and enhanced, and thus a Vegetation Management Plan prepared by a qualified Ecologist is required to be prepared that shall include documentation of existing species (trees, palms, shrubs, groundcovers, grasses and vines) for retention, as well as a plan for bush regeneration to areas cleared. Locally identified species sighted include: Bloodwood, Cheese Tree, She Oak, Angophora, Lillypilly, Paperbark, Pittosporum, Cabbage Tree Palms, NSW Xmas Bush, Wattle, Muttonwood, Hibbertia, Dianella, Themedia, Wombat Berry, and Wonga Vine.

Proposed tree planting within the road reserve land shall replace existing trees to be removed, replacing the canopy loss, to ensure no loss of existing views from adjoining land. The location of trees shall be placed in proximity to existing trees that are removed in order to maintain the status quo of tree canopy distribution within the road reserve land. It is noted that from the streetscape, the existing

Kaffir Plums proposed to be removed currently block views northward to the ocean and beyond, and these trees are approximately more than 10 metres in height although the Arboricultural Impact Assessment nominates these trees at 8 metres in height, along with all other existing native trees in the road reserve land including Bloodwoods, Cheese Trees and She Oaks. Equal replacement of existing canopy distribution with newly planted native trees does not give rise to concerns for existing view loss for adjoining properties, whereby new tree planting is located in proximity to existing trees removed.

Landscape Referral note that the visual impact of the proposed driveway within the road reserve land, supported by sandstone clad vertical walling presents a prominent built form over 4 metres in height, and consideration of a suspended structure may reduce such visual impact and be integrated with natural environment landscape, and well as provide an opportunity to extend bushland regeneration under the suspended structure utilising typical species found within the lower slopes (ie. palms and ferns), and thus reduce the visual prominence where the built form is horizontal and able to cast shadows down to ground levels. It is however unknown if there are geotechnical reasons for this current proposal and Landscape Referral shall ultimately be guided by the relevant Council Engineering experts on this matter.

Landscape Referral raise the following concerns for the proposals upon the road reserve land that require clarification and/or further information:

- the extent of land clearing required to establish the landscape proposal as documented, presenting potential soil erosion issues downslope.
- absence of a Vegetation Management Plan.
- the visual impact of the proposed driveway within road reserve land.

At this stage Landscape Referral do not support the application for reasons as outlined above.

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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Amended Landscape Plans

Amended landscape plans shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- (a) amend Landscape Plan - Ground Floor, to co-ordinate the location of the stormwater level spreader re-located in the approved Stormwater Plans,
- (b) amend Landscape Plan - Road Reserve works, to co-ordinate the extent of works as part of the proposed driveway depicted as 'impact area' on page 8 of the approved Vegetation Management Plan.

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

Tree Protection Plan

- (a) a Tree Protection Plan shall be submitted to the Certifier for approval prior to the issue of a

Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following trees:

- i) tree 1 - Paperbark, located within the property,
- ii) all existing trees within the road reserve outside of the 'impact area' depicted on page 8 of the approved Vegetation Management Plan.

(b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) location of all trees identified for retention,
- ii) access routes throughout the site for construction activity shall be confined to within the 'impact area' depicted on page 8 of the approved Vegetation Management Plan,
- iii) location of tree protection fencing / barriers, to be limited to not extend beyond the 'impact area' depicted on page 8 of the approved Vegetation Management Plan,
- iv) root protection in the form of mulching or boards proposed within the tree protection zone,
- v) trunk and branch protection within the tree protection zone,
- vi) location of stockpile areas and materials storage, within the property,
- vii) other general tree protection measures.

Reason: Tree protection.

On Slab Landscape Works

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: 300mm for groundcovers, perennials, grasses; and 600mm for shrubs.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Sediment and Erosion Control within Road Reserve

Sediment and erosion controls shall be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) within the road reserve portion at no more than 3 metres from the edge of the proposed driveway as depicted on page 8 of the approved Vegetation Management Plan. Techniques used for erosion and sediment control are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

Tree Removal Within the Road Reserve

This consent approves the removal of existing trees within the road reserve as identified in the Arboricultural Impact Assessment, or as listed below:

- (a) T3 to T8 inclusive, T12, T19 and T21,

(b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor, as engaged by the applicant. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

Construction Fencing within the Road Reserve

Standard construction fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, shall be installed within the road reserve portion at no more than 3 metres from the edge of the proposed driveway as depicted on page 8 of the approved Vegetation Management Plan as the 'impact area', to protect all existing natural landscape features and vegetation outside of this area, and shall include sediment and erosion control measures located along the fencing inside of the 'impact area'.

Reason: Protection of existing natural landscape features and vegetation.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and Vegetation Protection

(a) Existing trees and vegetation shall be retained and protected, including:

- i) all prescribed trees within the site,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve, unless otherwise approved.

(b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
- ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; 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; and structures are to bridge tree roots at or >25mm (Ø) diameter,
- iii) the activities listed in section 4.2 of AS4970-2009 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,
- iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- v) 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 Principal Certifier must ensure that:

(c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

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

Vegetation Management Plan Works

Vegetation Management Plan works are to be implemented in accordance with the approved Vegetation Management Plan, including:

- (a) section 3 Preliminary Works,
- (b) section 4 Vegetation Management Works,
- (c) section 5 Implementations,
- (d) section 6 Monitoring and Reporting.
- (e) appendix d Techniques and Specifications

Prior to the issue of an Occupation Certificate, details from a qualified Ecologist shall be submitted to the Principal Certifier, certifying that the Vegetation Management Plan works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Landscape Completion

Landscape works are to be implemented in accordance with the approved Amended Landscape Plans, and inclusive of the following conditions:

- (a) tree, shrub and groundcover planting shall be installed as indicated on the approved Amended Landscape Plans, unless otherwise imposed by conditions.

Prior to the issue of an Occupation Certificate, details from a landscape architect or landscape designer shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the approved Arboricultural Impact Assessment, including the following information:

- (a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- (b) extent of damage sustained by vegetation as a result of the construction works,
- (c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

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

Landscape Maintenance

If any landscape materials/components or planting under this consent fails within the property, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

Vegetation Management Plan Establishment Period

If any planting as part of the Vegetation Management Plan under this consent fails during the establishment period to 5 years, they are to be replaced with like for like planting. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting and as required.

Maintenance of the works under the Vegetation Management Plan is to be carried out by an accredited Bush Regenerator (AABR) or should possess the required qualifications and experience for membership. In addition to this, they should have as a minimum, a Certificate III in Conservation & Land Management or equivalent. The contractor will need to carry out best practice bush regeneration techniques as described by Buchanan (2009).

Reason: To maintain local environmental amenity.