



northern
beaches
council

18 May 2022



Mr Lachlan Maas
3/397 Riley Street
SURRY HILLS NSW 2010

Dear Lachlan,

Development Application No: DA2021/2632 for Construction of a Dual Occupancy at 10 Fern Creek Road WARRIEWOOD.

I refer to your Application which is under assessment by Council.

The assessment of your application has revealed issues, which prevent Council from supporting the proposal in its current form.

The following is a list of the issues identified:

Landscape Officer Comments

Council's Landscape Officer has provided the following comments:

"The development application is for the construction of a dual occupancy development and associated site and landscape works upon Lot 5A and Lot 5B.

Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls (but not limited to):

- *B4.22 Preservation of Trees and Bushland Vegetation*
- *C1.1 Landscaping*
- *D16 Warriewood Valley Locality, and in particular D16.5 Landscaped Area for Newly Created Individual Allotments, and D16.12 Fences*

The property within the lot boundaries contains three small juvenile existing Sydney Blue Gum trees identified in the Arboricultural Impact Statement for retention and protection (tree numbers 13, 24 and 25), and one exempt species (tree number 23) identified for removal that is located within the driveway footprint. Existing tree number 22 within the adjoining Lot is proposed for retention and shall be protected. Existing street trees are present within the road verge of Fern Creek Road as well any other road verge street tree within the development, and all shall be protected and not impacted by construction activities including deliveries, and protection is subject to conditions of consent.

The Statement of Environmental Effects notes the presence of the three Sydney Blue Gum trees for protection and it appears that the intent is to remove these trees and the wording has been misapplied. The Landscape Plan does not include retention of the



existing trees, and the layout of the external landscape including excavation and retaining walling would not support the retention of these trees.

As small juvenile trees, the incorporation of the existing Sydney Blue Gum trees 13, 24 and 25 may be achievable, and this discrepancy between plans and reports shall be updated to provide a clear assessment and intent for the existing trees identified in the Arboricultural Impact Statement for retention and protection.

The Architectural Plans include fencing and walling to the development front setback and this shall be removed. Under DCP control D16.12 Fences, the front setback between public and private land shall be delineated by vegetation, such as low hedges, garden beds or the like, and fencing is not permitted forward of the front building line to ensure an appropriate front setback landscape amenity to the streetscape.

A Landscape Plan is submitted proposing landscape works to enhance the landscape setting of the lot development and no concerns are raised, with the exception of the intent to either incorporate the existing Sydney Blue Gums into the external design layout or otherwise.

As such Landscape Referral are unable to continue the assessment until co-ordinated plans and reports are submitted.”

In summary, the documentation provided with the application must be updated to clarify the removal and retention of trees and the proposed fencing on the site plans. Note that any fencing of the front building line will not be supported.

Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by 1 June 2022 (14 days). If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the NSW planning portal; or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 1 June 2022 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nic England on 1300 434 434 during business hours Monday to Friday.



Regards,

A handwritten signature in black ink, which reads "Phil Lane". The signature is written in a cursive, slightly slanted style.

Phil Lane
Acting Manager, Development Assessment