

Landscape Referral Response

Application Number:	DA2021/2239
Date:	03/05/2022
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 170 DP 15376 , 255 Whale Beach Road WHALE BEACH NSW 2107

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

This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of existing site structures in order to facilitate internal layout re-configurations, with additions inclusive of a minor dwelling extension on the east. This dwelling extension supports a new outdoor terrace on the first floor, new deck, bedroom and living area on the ground floor, with a new gym, study and swimming pool on the lower ground floor.

Councils Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12.10 Landscaped Area - Environmentally Sensitive Land
- D12.14 Scenic Protection Category One Areas

Updated comments:

As requested updated Landscape Plans are submitted and these provide an landscape outcome suitable to achieve the objectives of the C4 Environmental Living zone for which the land is located upon, and satisfy the DCP relevant controls.

Landscape Referral raise no objections to the development proposal, subject to the completion of landscape works and the protection of existing trees and vegetation, and conditions shall be imposed.

Previous comments:

The Statement of Environmental Effects provided with the application notes that existing trees and vegetation are to be retained as part of proposed works. This Statement is largely supported by the Architectural Plan provided as it is evident no trees are shown to be removed. It is noted no Arboricultural Impact Assessment has been provided with the application.

Upon further review of the site, it is noted there are a number of existing trees located within the road reserve, the adjoining property, as well as towards the eastern portion of the site. Due to the presence of existing site structures including retaining walls on the western and southern boundaries, these trees located within the road reserve and the adjoining property are not anticipated to be impacted by proposed works. As a result, no major concern is raised as these trees are expected to be retained with little to no impacts. Slight concern is raised regarding the impacts of proposed works, specifically the new swimming pool, on an existing tree located centrally within the rear yard. It is understood the swimming pool is to be cantilevered, hence any footings are likely to be clear of this tree's Tree Protection Zone (TPZ) and Structural Root Zone (SRZ), however care must still be taken during excavation and construction as any negative impacts towards this tree, or any other existing vegetation, is not likely to be supported. It is further noted the indicative suspended stair layout at the rear of the site appears to cut through the trunk of this existing tree. Although this stairway is to future detail, the alignment of this stairway should be reconsidered to avoid any conflicts with this tree. The retention of existing trees and vegetation is vital to satisfy control B4.22, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

Slight concern is raised regarding the lack of landscape works proposed which is particularly important considering the increase to overall built form size and scale, as well as the proximity of the site to land identified as containing the Littoral Rainforest Endangered Ecological Community. It is noted that a landscape concept is provided, however this lacks detail of proposed works with no species, quantities and locations of proposed trees identified. Landscape works are necessary to ensure the proposed built form is softened and mitigated, whilst ensuring privacy between adjoining properties is maintained and the sensitive ecological communities found within the eastern portion of the site are enhanced. For this reason it is recommended that a Landscape Plan be provided with the application in accordance with Council's Development Application Lodgement Requirements. This Landscape Plan should include screen planting along the northern and southern boundaries for privacy, tree planting, as well as details of any on-slab planting that is proposed. A plant schedule shall also be required, with at least 80% of new planting incorporating native species as listed within the Littoral Rainforest Endangered Ecological Community. This Landscape Plan is necessary to satisfy controls C1.1 and D12.10, as key objectives of these controls seek to ensure "vegetation is retained and enhanced to visually reduce the built form", "landscaping retains and enhances Pittwater's biodiversity by using locally native plant species", as well as "landscaping enhances habitat and amenity value".

Considering the information above, the landscape component of the proposal is therefore not currently supported due to insufficient information about proposed landscape works. For this reason, it is recommended that a Landscape Plan be provided with the application in accordance with Council's Development Application Lodgement Requirements.

Upon the receipt of the required information, further assessment can be made.

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

Tree and Vegetation Protection

a) Existing trees and vegetation as shown on the approved plans shall be retained and protected, including:

- i) all trees and vegetation within the site,
- 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) or vi) 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

Landscaping is to be implemented in accordance with the approved Landscape Plans.

Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with the approved Landscape Plans and 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 with minimum AQF Level 5 in arboriculture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) 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, 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 Plan and any conditions of consent. All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.