

Landscape Referral Response

Application Number:	DA2024/0868
Date:	17/07/2024
Proposed Development:	Construction of a swimming pool
Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Lot 14 DP 6746 , 1158 Barrenjoey Road PALM BEACH NSW 2108 Lot 1 DP 795517 , 1158 Barrenjoey 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 application is for construction of a swimming pool adjoining the existing timber deck, construction of an external staircase and landscape works, as described in reports and as illustrated on plans.

It is noted that the proposed landscape area is deficient and this matter shall be determined by the Assessing Planning Officer.

A Arboricultural Impact Assessment (AIA) is submitted. The proposed works do not require removal of trees and proposed works occur upon disturbed land. The AIA reports on one existing Canary Island Palm located within 5 metres of proposed development works. It is noted that the tree is listed as an exempt species and may be managed without Council consent or otherwise as recommended in the AIA report. Other existing trees outside of 5 metres from development works are not assessed and conditions shall be imposed for the protection of all prescribed trees.

A Landscape Plan is submitted and provides vegetation screening between the proposed swimming pool and the side boundary and no concerns are raised. However additional planting is required below the pool level to soften the under croft of the pool structure along the northern elevation. The pool sits approximately 3.5 metres above existing ground level along the northern elevation and planting is required (either under croft or forward of the structure within natural ground, and in between rock outcrops) to satisfy Pittwater DCP control D12.13 Construction, Retaining walls, terracing and under croft areas, where "Adequate landscaping shall be provided to screen under croft areas". Planting shall achieve a mature height of at least the equal to the top of pool / existing deck level.

It is noted that the existing rock outcrops are maintained whereby the proposed swimming pool will sit

level with the dwelling house and float above the existing rock outcrops.

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 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 sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council (MLALC) are to be contacted.

Reason: Preservation of significant environmental features.

Tree and Vegetation Protection

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

- i) all prescribed trees within the site, or otherwise existing trees nominated for retention on the approved plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of a Arboricultural Impact Assessment or a Project Arborist,
- 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

Landscape Completion

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

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan, unless otherwise imposed by conditions,
- c) additional planting is required to either under or along the pool structure across the northern elevation (either to the undercroft or forward of the structure within natural ground, and in between rock outcrops). Selected planting shall achieve a mature height of at least the equal to the top of pool / existing deck level, and shall be installed at minimum 900mm intervals and at a minimum 200mm container size at planting,
- d) all planting shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) 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.

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.

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.