

## Landscape Referral Response

<b>Application Number:</b>	DA2025/0136
<b>Date:</b>	03/04/2025
<b>Proposed Development:</b>	Construction of a boat shed, waterway access stairs and landscaping
<b>Responsible Officer:</b>	Anaiis Sarkissian
<b>Land to be developed (Address):</b>	Lot 56 DP 7794 , 60 Hudson Parade CLAREVILLE 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

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause zone C4 Environmental Living and zone W1 Natural Waterways, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B4.7 Pittwater Spotted Gum Forest; B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D1 Avalon 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.

The proposed works are for the construction of a Boatshed, including associated works: tree removal, retaining walls, stairs and paved areas.

The 'as approved' landscape area under development consent DA2022/1715 is identified as 55.5%, whilst it is noted that the Assessment Report under the DA2022/1715 development application identified this at 54%. Regardless under this current application as illustrated on plan DA.03 the landscape calculation is proposed as 55% inclusive of the proposed Boatshed built form and other associated hardstand elements (pavement and stairs) whilst indicating that existing access paving is to be removed. It is considered that removal of existing paving then restricts safe access between the dwelling and the foreshore. Landscape Referral raise concerns that the C4 landscape area requirements are diminished further than identified on plan DA.03. This matter shall be assessed and determined by the Assessing Planning Officer.

The proposed Boatshed is designed to be located within 2 metres of an existing Spotted Gum

identified as tree 16 that is proposed for retention on plans and in reports. Fundamentally an approval of the Boatshed would activate the 2 metres exemption variation rule under the Pittwater DCP control B4.22 Preservation of Trees and Bushland Vegetation, that permits removal of any tree within 2 metres of an approved building. For this reason, the location of the Boatshed is unable to be approved.

Furthermore, following site review it is considered that the proposed Boatshed should be located elsewhere away from existing trees and rather upon cleared land that is presently occupied by pavements and stairs (see sketch below in Figure 1). It is noted that this advice was presented to the applicant in the pre-lodgement meeting PLM2024/0038. An alternative location importantly presents limited and manageable encroachments of tree protection zones. The property includes a total of three prescribed existing Spotted Gum trees within the property and these are all located within the foreshore area in close proximity to the proposed Boatshed.

An Addendum to the Arboricultural Impact Assessment report dated 29th January 2025 is submitted under this application. The Addendum report includes commentary that the "potential to locate the boatshed etc. in the northwestern corner of the site was investigated as part of the design development stage. However, it was determined that the extent of excavation that would be required within the Tree Protection Zone (TPZ) area of the neighbours Tree F could potentially impact the health of the tree". Landscape Referral do not agree with this analysis and Figure 1 clearly demonstrates that tree protection zone encroachment to the neighbouring tree F is not expected to increase as the suggested in Figure 1 allows for the Boatshed location upon hardstand area consisting of existing pavement, stairs and walling, such that the existing hardstand areas to this area, built in mid 2010's, renders a barrier to tree root growth from tree F.

The Addendum indicates that trees 16 and 15 are to be retained and tree 17 is recommended for removal. The proposed Boatshed works around tree 16 is located within the structural root zone and root investigation has been carried out to determine that construction of the Boatshed may be feasible. Regardless of this the issue of long term survival is more important in assessing the capability to retain any tree. The proposed Boatshed location under this application ultimately reduces the natural ground surface conditions including natural soil levels and natural drainage provisions and this loss represents a major encroachment that is unable to be "compensated for elsewhere and contiguous with the TPZ" as identified in Australian Standard 4970-2009 under section 3.3.3 Major encroachment.

There is no indication in the Addendum that tree 16 presents an imminent risk to persons and property.

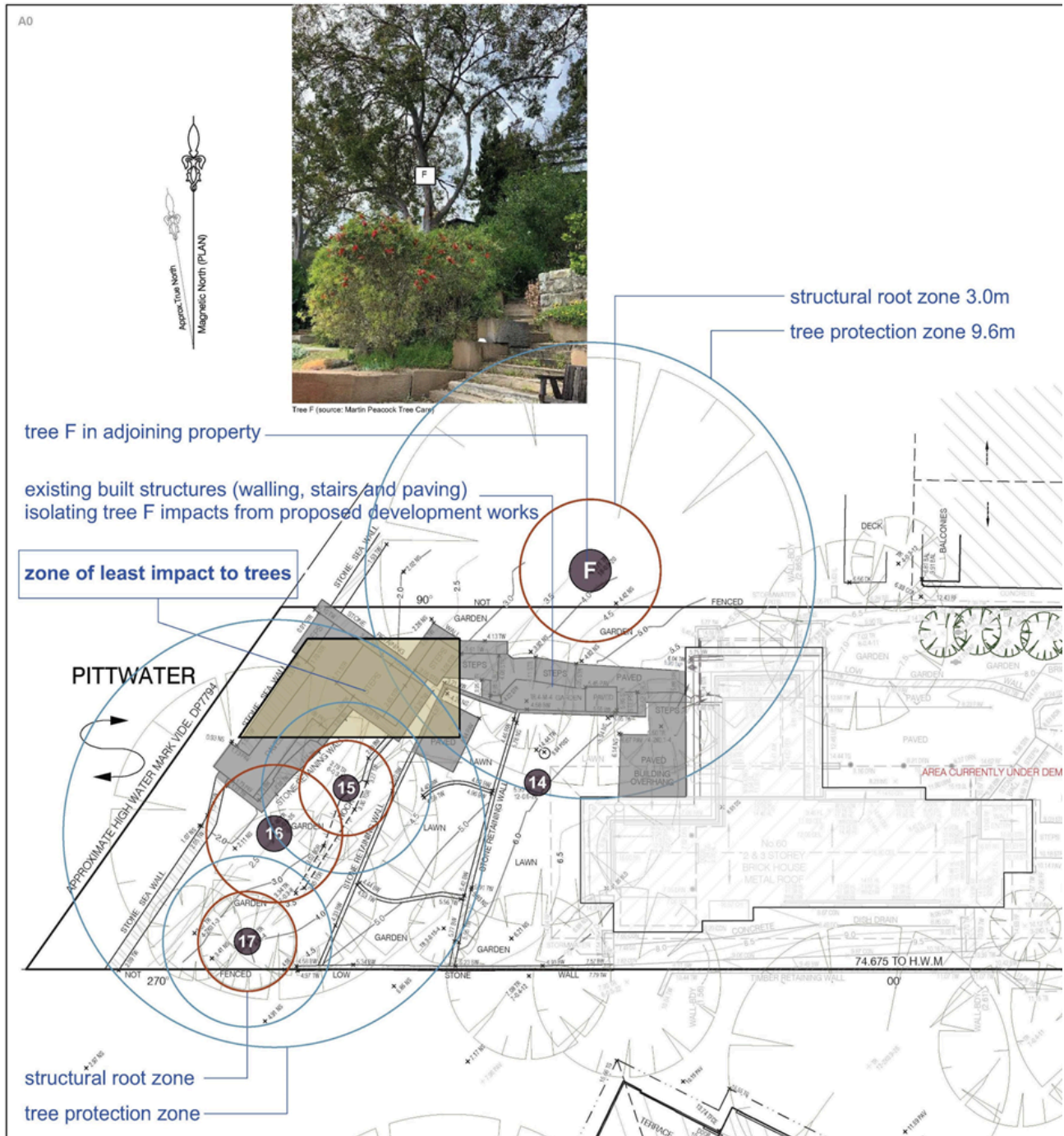
It is also noted that the Spotted Gums identified as trees 15, 16 and 17 tree root distribution are most likely to be interconnected such that any excavation to one may impact the other two trees.

In summary, it is considered that the proposal to locate the proposed Boatshed in close proximity to existing Spotted Gums is likely to present long term tree condition issues that will impact tree health for both tree 15 and 16, and this proposal does not satisfy various Pittwater LEP and DCP requirements including:

- zone C4 Environmental Living, where the objectives to retain foreshore vegetation is impacted and the aesthetic values of the foreshore are also impacted should trees be impacted in the long term,
- zone W1 Natural Waterways, where the natural environment values are impacted should trees be impacted in the long term,
- B4.7 Pittwater Spotted Gum Forest, where should trees be impacted in the long term, loss of canopy cover or a net loss in native canopy trees is expected,
- B4.22 Preservation of Trees and Bushland Vegetation, where long term retention to protect the scenic value and character along the foreshore is not expected,

In planning terms concerns are raised regarding the landscape area calculation and the site planning analysis to determine the most appropriate location for a Boatshed.

Figure 1: Suggested location of the Boatshed



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.