

## Landscape Referral Response

<b>Application Number:</b>	DA2023/1780
<b>Date:</b>	11/06/2024
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house including swimming pool
<b>Responsible Officer:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 122 DP 8394 , 89 Marine Parade AVALON 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

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
- D1 Avalon Locality, and in particular D1.14 Landscaped Area - Environmentally Sensitive Land

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 with ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.

Updated comments:

Amended Architectural and Landscape Plans are submitted and Landscape Referral raise concern that the landscape area requirements of 60% are not achieved. An estimate of the area calculation by Landscape Referral reveals that the nominated landscape areas graphically shown are 54% of the property and not 60%. Included in this area calculation the driveway is a reduction of 8% to the landscape area as the proposed driveway is unable to be nominated as landscape area, as the driveway area is unable to accommodate the definition of landscape area in the PLEP, which "means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area"

Clearly the driveway will not support any planting. Furthermore the landscape area is reduced with stairs within the landscape area, and additionally the documented lawn area at the northern boundary

is most likely to not succeed as this area will function for access between the front and rear of the property, and hence the landscape area are further reduced. As a planning principle, Landscape Referral shall defer this matter to the Assessing Planning Officer.

Additionally of concern to Landscape Referral is the front boundary treatment with gatehouse and walling that presents as prominent architectural elements to the streetscape, and also includes raising of ground levels above the natural ground. The frontage to the streetscape is contrasting to the existing streetscape amenity that presents a prominence of a landscape setting to the streetscape.

The submitted Arboricultural Impact Assessment (AIA) and the Amended Landscape Plans are noted, and Landscape Referral reiterate concerns regarding the non complying landscape area the result of the proposed development.

Should the Assessing Planning Officer determine merit approval of the application, Landscape Referral shall provide conditions of consent regarding tree removal as recommended in the AIA report and planting works as proposed in the Amended Landscape Plans.

Previous comments:

*An Arboricultural Impact Assessment is submitted and under this proposal all existing trees upon the property are proposed for removal due to the layout of the proposed development as well as the cut and fill proposed. Any retention of existing trees is only possible with a revised architectural design.*

*No landscape calculations are provided in the architectural plans. Landscape Plans are submitted and it is noted that landscape area calculations are identified on these plans as a deficient 55.1% that includes the 6% allowance. This matter shall be determined by the Assessing Planning Officer. Landscape Referral provide comments regarding the landscape area as this impacts upon the overall landscape objective of land zoned C4 zone Environmental Living. Concerns are raised that identified 'landscape areas' shown on drawing C7 are unable to be defined as landscape area as they are unable to accommodate the definition of landscape area in the PLEP, as landscape area "means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area", and the following areas are identified that Landscape Referral consider are unable to achieve planting:*

- permeable driveway as it is a hard paved surface*
- landscape steps at rear of the property as no planting is possible for the selections as shown on the materials palette drawing*
- stepping stone areas within the front setback near northern boundary that are predominantly paved*
- stairs within the front setback near northern boundary*
- conservation pit area at rear of property*

*The overall theme of the Landscape Plans including hard and soft landscape works is noted. Further to the landscape area concerns as discussed above, it is noted that the presentation to the streetscape consisting of high walling and fencing establishes a prominent visual elements to the streetscape that is unlike many of the properties within proximity which display a landscape setting devoid of structures in the majority. It is noted that the first wall is located away from the front boundary, whilst the second wall that supports fencing on top is narrow in garden width to support adequate planting to soften the visual impact. It is considered that the frontage to Marine Parade is a prominent element that should be further refined to reduce the built form and wider garden width between walling may assist, as will a selection of planting to screen the walling and fencing.*

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:**

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**Tree Removal Within the Property**

This consent approves the removal of existing prescribed trees on the subject site as identified in the Arboricultural Impact Assessment.

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

Reason: To enable authorised development works.

**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 trees within the site not approved for removal, including trees and vegetation 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 an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,
- 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 AS4970-2009 Protection of trees on development sites,
- ix) 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,
- 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 AS4373-2007 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 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, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

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 Plans, 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 Plans and delivered to the size as nominated on the Plan Schedule, unless otherwise imposed by conditions,
- c) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,

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.