

Landscape Referral Response

Application Number:	DA2021/0976
Date:	27/08/2021
Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot A DP 324113 , 184 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

The development proposal is for the construction of a swimming pool and associated landscape works, and minor alterations and additions to an existing dwelling.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause E4 zone Environmental Living, and the following Pittwater 21 DCP Controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12 Palm Beach Locality

The site is located in the E4 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 E4 Environmental Living zone.

A Landscape Plan is provided with the application following Council's request and this indicates existing trees and vegetation to be either retained or removed, and includes a planting scheme associated with the proposed works. Proposed removal of existing vegetation is limited to Exempt Species which do not require Council consent.

Dense screen shrub planting is proposed along the swimming pool boundary perimeter as shown on the Landscape Plan to provide adequate privacy screening to the adjoining properties.

It is noted that the existing total landscaped area calculation does not provide the required area percentage under the E4 zone requirements, and the proposed works further reduces this, and this matter shall be addressed by Planning under merit consideration.

The Statement of Environmental Effects notes that new native vegetation, including canopy trees, will be integrated with the development. However the removal of the Exempt Species within the rear of the property is replaced only with tall screening shrubs, and to comply with the E4 zone as well as the

specific requirements of DCP control C1.1 Landscaping, at least one native canopy tree shall be included within the rear of the property, and conditions shall be imposed should the application be approved.

Any new landscape works are to be contained within the property boundaries and no physical encroachments are permitted beyond the property boundaries.

previous Landscape Referral comments prior to additional information:

Inadequate information is provided in terms of a Landscape Plan and no Arboricultural Impact Assessment is provided. The Landscape Plan identifies existing trees to be removed without providing any identification if these are all exempt species or otherwise. This information is to be provided by the applicant and contained in the Statement of Environmental Effects and the Landscape Plan if all species are identified as exempt species.

Should prescribed trees under the DCP (ie. trees over 5 metres) within the site exist that are proposed for removal, arboricultural justification is required for their removal and this shall be provided in a Arboricultural Impact Assessment. No impact is permitted to any adjoining properties trees or vegetation within 5 metres of development works, and assessment and tree protection measures shall be included in the Arboricultural Impact Assessment.

Landscape Referral are unable to continue with the assessment until the information is provided.

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 shall be retained and protected, including:

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- 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.

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 Plan, and inclusive of the following conditions:

- i) one locally native tree capable of attaining at least 6 metres in height shall be planting within the lawn area at the rear of the property, and shall be a minimum planting size of 75 litres, shall meet the requirements of Natspec - Specifying Trees, and shall be selected from Council Native Plant Species Guide - Pittwater Ward,
- ii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 5.0 metres from buildings, and at least 1.5 metres from common boundaries,
- iii) the shrub planting shall be installed at minimum 1 metre intervals, be a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- iv) new landscape works are to be contained within the property boundaries and no physical encroachments are permitted beyond the property boundaries.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative
<https://5milliontrees.nsw.gov.au/>

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.