

Landscape Referral Response

Application Number:	DA2020/0096
Date:	26/06/2020
Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 4 DP 14048 , 26 Ralston Road PALM BEACH NSW 2108 Lot 5 DP 14048 , 26 Ralston 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 development application is for the construction of a new dwelling, garage with above terrace and pool, and external landscape works to each of Lot 4 and Lot 5. A revised development application including revised site planning, architectural plans, landscape plans, and arboricultural assessment has been issued.

The following design amendments have now been included in this revised development application:

- driveway access for both Lot 4 and Lot 5 are shared, utilising the existing crossover and portion of the existing driveway extending into the site as shown on the plans,
- retention of street trees and existing trees within the front setback due to the retention of the existing driveway, that were previously impacted by the development proposal,
- minimisation of impacts to existing trees within Lot 4 and Lot 5, subject to the engagement of a Project Arborist and provision of tree protection measures,
- revised landscape plan.

Council's Landscape Referral section has assessed the proposal against the Pittwater Local Environment Plan clause E4 Environmental Living zone, and the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D12 Palm Beach Locality, including D12.10 Landscaped Area - Environmentally Sensitive Land

The site is located in the E4 Environmental Living Zone, requiring development to achieve a scale integrated with the landform and landscape, including the retention of existing trees.

The revised Landscape Plan, whilst providing an intent, does not satisfy Council's DA Lodgement requirements. A list of species, quantities and container pot size are provided, however the location of such species is not presented on the plans. Several locations include proposed trees in inappropriate areas that can't support large tree planting. It appears that large trees are represented graphically and

listed along the rear and side boundaries occupied by the proposed buildings without sufficient space between boundaries and building to realistically allow for the establishment of such trees, including the Cheese Tree nominated on the landscape plan. Additionally, the landscape design and location of planting shall be considered to minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.

Amended Landscape Plans will be required at Construction Certificate, prepared by a qualified Landscape Architect or Landscape Designer as required in Council's DA Lodgement requirements. Conditions shall be imposed providing the guidelines to be achieved by the Amended Landscape Plan.

The revised Arboricultural Impact Assessment considers 24 trees, 16 trees within the site, 5 trees on a neighbouring property and 3 trees on the adjacent road reserve and recommends retention and protection of all these trees.

Existing trees 1, 4, 5, 8, 9, 10, 11, 12, 14x4, 15, 16x2, 17, 18 & 19 the alignment of the development is sufficiently setback to not affect these specimens. In regards to existing trees 2, 3 & 6, the existing driveway is a major encroachment to these specimens and the existing driveway is to be retained in situ to the length shown on the plans. There will be no additional impact to these specimens by the proposed development.

In regards to existing trees 7, 13 and 20, the alignment of the development will be a major encroachment. A root mapping investigation is to be undertaken to determine below surface existence of tree roots along the driveway near tree 7, and the building alignment near tree 13 to ascertain excavation limits and locations of pier footing as required. A minor encroachment is calculated for existing tree 20 within adjoining property No. 24. No detrimental impact is permitted to existing trees within adjoining properties and as such a root mapping investigation is to be undertaken to determine below surface existence of tree roots along the building alignment near tree 20 to ascertain excavation limits and locations of pier footing as required.

The landscape outcome of the revised development application is acceptable subject to the protection of existing trees and vegetation, the engagement of a Project Arborist to conduct root investigation works, and the completion of landscape works as per the conditions of consent.

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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Amended Landscape Plan

An Amended Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer shall be prepared to satisfy the landscape controls of the Pittwater DCP controls C1.1 Landscaping and D12.10 Landscaped Area - Environmentally Sensitive Land.

The Amended Landscape Plan shall be submitted to the Certifying Authority for approval and certification that the following landscape elements, based on the design intent of the revised landscape plan DA Revised 025 are provided on the Amended Landscape Plan, suited to the available deep soil area to achieve maturity:

a) Lot 4

- i) identification of existing trees and vegetation as nominated in the revised Arboricultural Impact Assessment,
- ii) identification and location of any small trees or native palms that can suitably be located along the rear boundary, at least 1.5m from the common boundary, and at least 3m from any existing or proposed building,
- iii) shrub screen planting along the rear boundary consisting of planting capable of attaining a mature height of 3 metres, located no more than 1 metre apart, nominated at minimum 300mm pot size,
- iv) shade tolerant palm or fern species that can suitably be located along the side boundary adjacent to the dwelling, consisting of the nominated *Livistona australis* (Cabbage Tree Palm) or *Cyathea australis* (Tree Fern), at least 1.5m from the common boundary, and at least 3m from any existing or proposed building, and understorey shade tolerant ferns and groundcovers,
- v) shrub screen planting along the side boundary consisting of planting capable of attaining a mature height of 3 metres, located no more than 1 metre apart, and nominated at minimum 300mm pot size,
- vi) one (1) indigenous canopy tree as selected from Council's Tree Guide located within the front setback, located at least 2 metres from common boundaries, at least 5 metres from dwellings, and nominated at 75 litre pot container size.

b) Lot 5

- vii) identification of existing trees and vegetation as nominated in the revised Arboricultural Impact Assessment,
- viii) identification and location of any small trees or native palms that can suitably be located along the rear boundary, at least 1.5m from the common boundary, and at least 3m from any existing or proposed building,
- ix) shrub screen planting along the rear boundary consisting of planting capable of attaining a mature height of 3 metres, located no more than 1 metre apart, nominated at minimum 300mm pot size,
- x) identification and location of any small trees or native palms that can suitably be located along the side boundary, at least 1.5m from the common boundary, and at least 3m from any existing or proposed building,
- xi) shrub screen planting along the side boundary consisting of planting capable of attaining a mature height of 3 metres, located no more than 1 metre apart, and nominated at minimum 300mm pot size,
- xii) one (1) indigenous canopy tree as selected from Council's Tree Guide located within the front setback, located at least 2 metres from common boundaries, at least 5 metres from dwellings, and nominated at 75 litre pot container size.

c) All proposed trees shall be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.

Reason: to provide a suitable landscape treatment to reduce the built form and provide privacy to private open space.

Tree Root Investigation

A non-destructive root investigation shall be conducted complying with clause 3.3.4 (TPZ encroachment considerations) of AS 4970-2009 Protection of Trees on Development Sites to all construction areas within the tree protection zone of existing trees numbered as follows:

- 7 Sydney Red Gum, within the site in Lot 5,
- 13 Weeping Myrtle, within the site in Lot 4,
- 20 Spotted Gum, within adjoining property No. 24.

A tree root investigation to locate major roots is required to be documented to assist with structural engineering and construction design. This shall be conducted prior to the issue of a Construction Certificate to provide definitive recommendations to assist with the structural engineering design for slab and/or pier footings to the proposed building works near existing trees 13 and 20, and the proposed driveway works near existing tree 7. No detrimental impact is permitted to existing trees within adjoining properties.

The root investigation shall be undertaken by a qualified AQF Level 5 Arborist to locate existing tree roots to be protected during excavation works and shall recommend tree protection measures within the tree protection zones.

Reason: to investigate the location of existing tree roots as a basis for building and driveway slab and/or pier footing location.

Root Mapping Plan

The findings of the root investigation shall be documented in a Root Mapping Plan that identifies 'No Go' areas that can't be excavated without supervision and guidance of a qualified AQF Level 5 Arborist, and shall be the basis for determining the location of all slab and pier footings for proposed building and driveway works within the tree protection zone of the existing trees identified by numbers 7, 13 and 20 in the Arboricultural Impact Statement.

The Root Mapping Plan shall be issued to the Certifying Authority and to the Structural Engineer as the basis for preparation of Construction Certificate structural design. The Root Mapping Plan shall provide any pier footing layout recommendations or advice on excavation works near existing trees.

The Arborist shall provide certification to the Certifying Authority that the Root Mapping Plan and clear distances recommended will ensure the long term survival of the existing trees. The Certifying Authority shall approve Construction Certificate design that satisfies the recommendations of the Root Mapping Plan.

All structural design for slab and/or pier footings shall be developed in co-ordination with a qualified AQF minimum Level 5 Arborist and a qualified Structural Engineer, and shall be issued to the Certifying Authority identifying suitable locations for all slab and pier footing locations within the tree protection zone.

The Pier Footing Plan shall be issued to the Certifying Authority identifying a suitable locations for each pier footing. The Certifying Authority shall approve Construction Certificate design that satisfies the recommendations of the Pier Footing Plan.

Reason: to ensure protection of the existing trees identified for management and retention.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree protection measures

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction works, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by RedGum Horticultural.

This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessment, as identified in the following sections:

- Table 1.0,
- Section 5.0 Observations/Discussions, identifying specific tasks to be undertaken,
- Section 7.0 Recommendations, and
- Appendix F Site Plan - Survey of Subject Trees to be Retained & Tree Protection Zones, including tree protection fencing.

The Project Arborist shall submit certification that the works and activities described in the above sections have been correctly installed and adhered to during the construction period.

The tree protection measures specified in this clause must:

- iv) be in place before work commences on the site, and
- v) be maintained in good condition during the construction period, and
- vi) remain in place for the duration of the construction works.

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that:

- vii) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and
- 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 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.

A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure tree protection is provided and maintained.

Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as recommended in the Arboricultural Impact Assessment prepared by RedGum Horticultural, including:

- i) all trees and vegetation within the site, excluding exempt vegetation under the relevant planning instruments of legislation (#) (*),
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation not approved for removal.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF minimum Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF minimum Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF minimum Level 5 Arborist on site,

- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF minimum Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF minimum Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) 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 AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

(#) The Arboricultural Impact Assessment recommends the retention of existing trees categorised under Northern Beaches Council's Exempt Species list which do not require Council approval for removal. Under this development application the nominated species shall be retained as recommended in the Arboricultural Impact Assessment, including the following trees: 10 (Arizona Cypress), 11 (Kentia Palm), 12 (Jacaranda), and 14x2 (Golden Cane Palm). This allows for the existing landscape amenity and provision of privacy to adjoining lots to be maintained.

(*) Under Pittwater DCP clause C1.1 Landscaping, advisory notes require that any existing variety of Leighton's Green on a site are to be removed and replaced with suitable replacement planting. It is advised that the existing trees identified in the Arboricultural Impact Assessment as Leighton Green's (16x2 and 18) should progressively be removed, with consideration of privacy for the adjoining lot, and replaced with planting of similar size,

Advice: Any request for tree removal of an existing tree required to be retained under approval for this development application is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Landscape works completion

Landscape works are to be implemented in accordance with the approved Amended Landscape Plan.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and with any conditions of consent, including the following items:

- a) Lot 4
 - i) identification of existing trees and vegetation as nominated in the revised Arboricultural Impact Assessment,
 - ii) identification and location of any small trees or native palms that can suitably be located along the rear boundary, at least 1.5m from the common boundary, and at least 3m from any existing or proposed building,
 - iii) shrub screen planting along the rear boundary consisting of planting capable of attaining a mature height of 3 metres, located no more than 1 metre apart, nominated at minimum 300mm pot size,

iv) shade tolerant palm or fern species that can suitably be located along the side boundary adjacent to the dwelling, consisting of the nominated *Livistona australis* (Cabbage Tree Palm) or *Cyathea australis* (Tree Fern), at least 1.5m from the common boundary, and at least 3m from any existing or proposed building, and understorey shade tolerant ferns and groundcovers,

v) shrub screen planting along the side boundary consisting of planting capable of attaining a mature height of 3 metres, located no more than 1 metre apart, and nominated at minimum 300mm pot size,

vi) one (1) indigenous canopy tree as selected from Council's Tree Guide located within the front setback, located at least 2 metres from common boundaries, at least 5 metres from dwellings, and nominated at 75 litre pot container size.

b) Lot 5

vii) identification of existing trees and vegetation as nominated in the revised Arboricultural Impact Assessment,

viii) identification and location of any small trees or native palms that can suitably be located along the rear boundary, at least 1.5m from the common boundary, and at least 3m from any existing or proposed building,

ix) shrub screen planting along the rear boundary consisting of planting capable of attaining a mature height of 3 metres, located no more than 1 metre apart, nominated at minimum 300mm pot size,

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c) All proposed trees shall be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture 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 and 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: to retain and protect significant planting on development and adjoining sites.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Landscape maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar

materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.