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MEMORANDUM

DATE: 15 September 2020

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Anna Williams, Development Assessment Manager
Peter Robinson, Executive Manager

FROM: Anne-Marie Young, Principal Planner

SUBJECT: DA2019/1522, Item 3.2 – No. 41 – 43 Beach Road, Collarory

REFERENCE: Correct typographical errors and provide a response to the submission in relation to concerns about excavation in close proximity to the Norfolk Pine trees

Dear Panel Members,

OVERVIEW

The purpose of this memo is to correct a typographical area relating to the description of the development / site address, and a typographical in condition 17 (amended plans – tree protection).

In addition, the memo provides a response to the submission to the Chief Executive Officer (CEO) dated 14 September 2020 with regards to the excavation and the concern about the impact on the Norfolk Pine trees.

Typographical Error relating to the site address.

Page 113 and 138 incorrectly refer to the site being No. 39 and No. 41 Beach Road, Collarory. The correct address is No. 41 and No. 43 Beach Road, Collarory.

Typographical Error relating to the condition 17 (amended plans – tree protection).

It is requested the Part (a) is updated to correct a typographical error with respect to the word “**identified**”. With the exception of this correction the condition remains the same and will read:

a) Plans are to be amended to clearly indicate that ground levels beneath the existing structures on site that occur within the Tree Protection Zone of Tree 13, as identified in the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People, are to be unaltered during demolition and construction.

Response to letter to the CEO relating to excavation and concern about the impact on the Norfolk Pine trees.



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The letter to the CEO from Mr and Mrs Buckle raises concerns about the extent of excavation and the potential impacts of the excavation on the Norfolk Pine trees that adjoin the site.

In response to the general concern about the extent of excavation the following response is provided.

The application is supported with a Geotechnical Report prepared by Taylor Geotechnical which confirms:

"The results of the geotechnical investigation indicated that there is no evidence of recent instability (over the design life of the current developments) and that currently there are no landslide hazards that would pose an unacceptable risk to property or life. It is expected that the proposed development will be constructed in a manner that will not increase the risk of instability to this or any adjoining sites. This will involve the control of stormwater and provision of adequate shoring measures (if required) for proposed excavations".

The report makes recommendations for managing the excavation to ensure that there will not be an increase in the risk of instability to adjoining sites. This include the control of stormwater, the provision of adequate shoring measures (if required), vibration measures, inspections and monitoring, retaining walls and foundations and the requirement for a geotechnical verification.

Council's Development Engineer has reviewed the DA documentation including the geotechnical report and raises no objections to the proposal subject to conditions requiring compliance with the recommendations of the Taylor Report and conditions to ensure the structural adequacy of the excavation work. In addition, conditions are recommended requiring pre and post construction dilapidation reports to be prepared and submitted to Council in respect of No 29 and No. 45 Beach Road.

In response to concerns about excavation on the Norfolk Pine Council Landscape Officer acknowledges that the basement level is setback from Norfolk Pine trees reference T12 and T13. The proposal however includes exaction at ground level within the Tree Protection Zone (TPZ) and Structural Root Zone (RTZ) of Tree 13. In order to minimise the impact of excavation to tree 13 conditions have been included (condition 17 and 24(e)) prohibiting any earth works within the TPZ to tree 13.

In addition, conditions 25 and 34 requires a project arborist to oversee all tree protection measures and work within 5 m of existing trees. Condition 35 require the submission of a landscape report certifying that all landscape works have been competed in accordance with the landscape plans. Finally, condition 36 requires the project arborist to prepare a report to assess the health and impact of trees including recommendations for tree protection and excavation works.

The relevant landscape conditions are provided below for the benefit of the Panel.

Condition 17 (amended plan – tree protection) requires:

a) Plans are to be amended to clearly indicate that ground levels beneath the existing structures on site that occur within the Tree Protection Zone of Tree 13, as identified in the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People, are to be unaltered during demolition and construction.

b) Plans are to be amended to indicate that alteration of ground levels to accommodate



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stormwater flows and to marry-in to new building levels are to occur outside of the Tree Protection Zone of Tree 13. Alteration may only occur with the authorisation and under the supervision of the Project Arborist on site.

c) Amended plans addressing a) and b) above are to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate

Reason: Protection of significant public trees.

Condition 24 (Tree trunk, root and branch protection) requires:

(a) Existing trees which must be retained

i) All trees with the exception of trees numbered 2, 3, 5, 6, and 11 in the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People, which may be removed.

ii) Trees located on adjoining land (with the exception of tree 2, which may be removed).

iii) Specific tree protection is required within the Tree Protection Zone of Tree 13 as identified in the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People.

(b) Tree protection

i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.

ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by the Project Arborist on site.

iii) All tree protection to be in accordance with the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People, AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures and the approved Construction Certificate plans

iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause

E1 Private Property Tree Management and AS 4373 Pruning of amenity trees

v) All tree protection measures, including fencing, are to be in place prior to commencement of works and certified by the Project Arborist.

c) The Site Manager and the Project Arborist must ensure that:

i) 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 on the lot or any tree on an adjoining site without approval of the Project Arborist, and

ii) 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.

d) The tree protection measures specified in this clause must:



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- 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.*
 - e) No alteration of ground levels under existing structures within the Tree protection Zone of Tree 13 as identified in the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People is to be undertaken without the authorisation and supervision of the Project Arborist on site.*
- Note. 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.*

Condition 25 (Project Arborist) requires:

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.*
 - ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People and AS4970-2009 Protection of trees on development sites and as indicated on the Construction Certificate plans.*
 - iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.*
- Reason: to ensure protection of vegetation proposed for retention on and adjacent to the site.*

Condition 34 – (Tree Protection - Arborist Supervision of Works) requires:

All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and minimally AQF Level 5 qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

Condition 35 (Landscape completion Certification) requires:

- a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Principal Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.*
- b) 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 established and maintained in accordance with the approved landscape plan.*

Condition 36 (Condition of retained vegetation) requires:

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be



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submitted to the Principal Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and excavation works.*
- b) Extent of damage sustained by vegetation as a result of the construction works.*
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.*

SUMMARY

This information is provided for consideration of the Panel.