

## Landscape Referral Response

<b>Application Number:</b>	REV2020/0002
<b>Date:</b>	08/04/2020
<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 2 DP 418388 , 115 A Pacific 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 review application REV2020/0002 of the proposed alterations and additions to the existing dwelling consisting of a new detached underground garage at 115A Pacific Road Palm Beach has been assessed by an alternate Landscape Officer.

The Landscape Referral for DA2019/0874 contended that the proposed excavation will remove existing rock outcrops and impact upon mature native trees on the site and the adjoining site to the west, the lack of consultant reports in assessment of tree impacts, and the lack of landscape plans.

Within REV2020/0002, the Statement of Environmental Effects notes that the design has been modified to retain a large portion of the rock outcrops, and consultant reports including arboricultural, biodiversity and a landscape design have been submitted. The amended garage design proposes to cut and stabilise the rock outcrop, excavate the area, construct retaining walls and a concrete roof slab and then place the remaining section of rock, soil and planting on top of the roof at a similar level that which existed before the development.

The following additional information is provided with application REV2020/0002:  
 Arboricultural Impact Assessment prepared by Jacksons Nature Works  
 Landscape design prepared by Jamie King Landscape Architect  
 Ecological Assessment prepared by Cumberland Ecology

The existing visually exposed eastern section of the rock outcrop shall be reinstated to maintain the existing landscape character, where the rooftop of the garage will be landscaped to present as a native bushland with rock outcrop.

The architectural plans appear to show no design layout change from DA2019/0874, and if approved amended plans at Construction Certificate are required to show the intend of rock outcrop to be reinstated on the garage roof as proposed in the Statement of Environmental Effects, and design verification from a qualified Structural Engineer will also be required regarding the structural design capacity of the garage roof to support rock outcrops, soil and planting, particularly in a 'wet-state'.

Note: the rock outcrop shall be a considerable size to recreate the existing natural character and shall not be a collection of smaller size rock.

The Arboricultural Impact Assessment provides the following review:

- existing tree 1 (Angophora) and existing tree 2 (Angophora) located within the site, were the subject of a tree root investigation, with non-structural roots encountered in the investigation trench that can be pruned without impact to the long-term health of the trees, and it is assessed that both trees can be retained by tree protection measures as recommended,
- existing tree 3 (Angophora) located within the site is not impacted by the development works,
- existing tree 4 (Scribbly Gum) located within adjoining property No. 115, previously encroached by sewer installation, has a minor encroachment and this can be managed by tree protection measures as recommended,
- existing tree 5 (Paperbark) located within adjoining property No. 115, has a minor encroachment and this can be managed by tree protection measures as recommended,
- existing tree 6 (Paperbark) located within the development footprint on the site is recommended for removal,
- existing tree 7 (Angophora) located within adjoining property No. 115, has a minor encroachment and this can be managed by tree protection measures as recommended,.

To ensure compliance with the recommendations of the Arboricultural Impact Assessment, a Project Arborist shall be engaged to supervise and approved works within the tree protection zones of all trees as reported above.

On review of the REV2020/0002 application, the landscape component is now acceptable following submission of additional information including a Landscape Plan and the Arboricultural Impact Assessment, subject to the following requirements:

- amended plans demonstrating the location of the reinstated rock outcrop over the garage roof as proposed within the Statement of Environmental Effects,
- protection of existing trees in accordance with the recommendation of the arboricultural assessment, including tree protection measures and supervision and approval of all works within the tree protection zones by a Project Arborist, and
- installation of the landscape proposal.

Protection of existing trees allows the development to be secondary to the natural environment and satisfies Pittwater 21 DCP controls B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and the locality specific controls under D12 Palm Beach Locality.

The landscape proposal satisfies Pittwater 21 DCP controls C1.1 Landscaping, including the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops; and the locality specific controls under D12 Palm Beach Locality.

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 Plans

Amended Architectural and Landscape Plans shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate demonstrating the alignment of rock outcrop to be reinstated on the garage roof across the garage entry as shown on the section on page 5 of the Statement of Environmental Effects v.5, and similar to the layout shown on Landscape Plan Sht-103, except that the rock outcrop shall be a considerable size and not a collection of smaller rock.

Reason: to re-create the natural environment landscape amenity.

### On slab landscape works

- i) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the garage concrete slab over which rock outcrop, soil and planting is being provided,
- ii) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule,
- iii) The following soil depths are required to support landscaping as proposed:
  - 300mm for lawn
  - 600mm for shrubs
  - 1000mm for trees
- iv) Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the on slab garage roof is designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting), and the rock outcrop.

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system.

### Tree Management Plan

A Tree Management Plan, prepared by a qualified AQF level 5 Arborist shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed tree protection measures to be undertaken including protective fencing, trunk protection, ground protection, treatment of severed roots, and the like.

The Tree Management Plan shall additionally provide a schedule of inspections to be carried out by the Arborist including certified approval of works within the tree protection zones of all existing trees identified in the Arboricultural Impact Assessment prepared by Jacksons Tree Services.

Reason: to ensure appropriate tree protection measures are in place during construction activity.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### Tree protection measures

An Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be engaged to provide tree protection measures near existing trees nominated for retention in the Arboricultural Impact Assessment prepared by Jacksons Tree Services, dated 23 November 2019, including supervision, approval and certification of the following:

- tree protection measures as listed in the Tree Management Plan for existing trees, 1, 2, and 3

- within the site, and existing trees 4, 5, and 7 within adjoining property at No. 115,
- trunk protection for existing trees 1 and 2,
- tree protection fencing around existing trees 1, 2, 4, 5 and 7,
- attendance on site during all excavation and construction works within the tree protection zones of existing trees 1, 2, 3, 4, 5 and 7.

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 Certifying Authority or a Project Arborist AQF Level 5 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, 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.

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 removal within the property**

The following existing tree assessed and recommended for removal in the Arboricultural Impact Assessment prepared by Jacksons Tree Services is approved for removal as part of this application:

- tree 6 - Paperbark

No other existing tree is approved for removal. Any subsequent request for tree removal is subject to a Section 4.55 modification application.

### **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Project Arborist**

During the works, a Project Arborist is to be engaged to attend site to supervise and approve the location of tree protection measures and development works such as tree fencing, truck protection, and ground protection, in accordance with the approved Tree Management Plan, and in accordance with the Arboricultural Impact Assessment recommendations listed under section 5.

The Project Arborist shall document all the associated works including site instructions, recommendations during the works, and photographic evidence to report acceptance of the works within the tree protection zones of all existing trees to be retained and protected.

Reason: ensure the correct procedures and construction techniques are in place and utilised to retain existing trees required for retention.

#### **Tree and vegetation protection - General**

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Jackson Tree Services, dated 23 November 2019, including:

- i) all trees and vegetation within the site not approved for removal, 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,

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,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a qualified AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by a qualified 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 a qualified 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 qualified AQF minimum Level 5 Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a qualified 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 a qualified 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 qualified 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.

### **Protection of rock and sites of significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: preservation of significant environmental features.

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

Landscaping is to be implemented in accordance with the Landscape Plans identified as Sht-101 to 107 inclusive, prepared by Jamie King Landscape Architect.

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 plans and with any conditions of consent.

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, identified as trees numbered 1, 2, 3, 4, 5, and 7, as a result of the development works, 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 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.