

Landscape Referral Response

Application Number:	DA2020/0028
Date:	19/05/2020
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 22 DP 11552 , 9 Ocean 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 demolition of existing structures and the construction of a new dwelling with attached garage and associated landscape works.

Council's Landscape Referral is assessed against Pittwater Local Environmental Plan 2014 - Zone E4 Environmental Living and the following Pittwater 21 DCP 2014 Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D12 Palm Beach Locality, and in particular D12.1 Character as viewed from a public place, and D12.10 Landscaped Area - Environmentally Sensitive Land

Landscape Plans are provided with the application, in accordance with DA Lodgement Requirements, subject to conditions that shall be imposed.

The proposed landscape planting scheme within the front setback is in keeping with the landscape outcomes of the adjoining properties along this segment of Ocean Road, but does not comply with C1.1 Landscaping.

To soften the built form, two small evergreen trees shall be provided in place of the proposed Frangipani trees within the front setback capable of attaining 5 metres in height, and located in consideration of adjoining properties solar amenity and ocean views.

Amended Landscape Plans shall be provided for approval by the Certifying Authority prior to the issue of the Construction Certificate. No landscaping is permitted within the road reserve verge except for the driveway and grass.

The landscape treatment to the rear raises no issues of concern.

An Arboricultural Impact Assessment is provided with the application, in accordance with DA Lodgement Requirements. The recommendations of the report including removal of one existing tree and one exempt species raise no issues. At the rear of the site, numerous existing trees are proposed for retention.

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 Plans

Amended Landscape Plans shall be submitted to the certifying Authority for approval prior to the issue of a Construction Certificate, specifically to address the landscape outcome to the front yard.

The landscape design to the rear yard as well as the side boundaries as documented on Plans LS02, LS03, and LS04 (all issue D), prepared by Melissa Wilson Landscape Architects are acceptable.

The Plan LS03 for the front yard shall be amended to achieve the following landscape outcome:

- two small evergreen trees planted at a minimum 75 litre container size shall be provided in place of the proposed Frangipani trees within the front setback capable of attaining 5 metres in height, and located in consideration of adjoining properties solar amenity and ocean views,
- understorey planting as shown on Plan LS03 within the front setback is accepted,
- all planting and the path is to be removed from the public road verge, and the verge shall consist only of driveway and grass.

Reason: to soften the built form and improve streetscape amenity, whilst maintaining access over public land.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree removal within the property

Approval is granted for the removal of the existing trees identified in the Arboriculture Impact Assessment prepared by Growing My Way as T5 - Coast Banksia, subject to replacement as identified in the landscape plans.

Additionally exempt species are proposed for removal consisting of T1 Frangipani, T2 Mango, T4 Cordyline, and T6 Canary Island Date Palm. Council consent is not required for removal of exempt species.

Any request to remove a tree approved for retention under the 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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as identified on the Existing Tree Plan

LS01 prepared by Melissa Wilson Landscape Architects, 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, 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.

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

Landscape works completion

Landscape works shall be completed in accordance with the approved Amended Landscape Plans.

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 amended landscape plan and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

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.