

## Landscape Referral Response

<b>Application Number:</b>	DA2020/0046
<b>Date:</b>	26/02/2020
<b>Responsible Officer:</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot 71 DP 6746 , 22 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 application proposes landscaping works within the front garden of the subject site with earthworks and minor retaining walls set to manage the existing on-site flooding while managing flooding in the adjoining properties by maintaining appropriate overland flow through the subject site. The raising of ground levels across the frontage is proposed to be consistent with the levels of the two adjoining properties, excluding levels around the existing Phoenix Palms where levels shall be retained.

Earthwork levels have been determined in order to manage flooding in accordance with Council's Flood Risk Management Guidelines.

Council's Landscape section has assessed the application against the following Pittwater 21 DCP 2014 Controls:

B4.22 Preservation of Trees or Bushland Vegetation

C1.1 Landscaping

D12 Palm Beach Locality

An Arboricultural Impact Assessment is provided and this satisfies the DA Lodgement Requirements, subject to conditions. The report addresses the requirements to preserve the existing significant Phoenix Date Palms located within the site front setback, and the requirement for tree protection measures to the existing heritage listed Norfolk Island Pines located within the road reserve.

Three existing Norfolk Island Pines are located across the frontage. Whilst the proposed works (filling existing drive and new gate) does not present an issue, the preservation of these trees will require that no construction activity and access be permitted within the tree protection zone (TPZ) of the trees. No excavation is proposed within the Structural Root Zone (SRZ) with alterations or disturbances within notional Tree Protection Zone (TPZ) assessed in the Arboricultural Impact Assessment as having minor and manageable (10-15%) TPZ occupancy.

The entire road reserve frontage will require fencing for the duration of the construction works to ensure no compaction of the existing ground levels under the Norfolk Island Pines as well as no construction access/material storage/trenching etc.

The existing front boundary brick wall and fence shall be retained. The existing concrete driveway and existing sandstone retaining wall within the road reserve shall be retained. A proposed new sliding gate attached to the existing front wall shall be constructed subject to the protection of any existing tree roots from the existing Norfolk Island Pines within the road reserve.

Two Port Jackson Fig's (trees T12 and T13) are recommended in the Arboricultural Impact Assessment for removal to accommodate the design. The trees are summarised as: T12 receiving SRZ impacts and having a low retention value; and T13 being located within or very near to the footprint a retaining wall supporting stair access at RL5.40.

The remaining trees assessed are considered viable for retention without change in existing site conditions or modification within their Tree Protection Zone. Existing trees 19 and 22 require tree protection measures as identified in the Arboricultural Impact Assessment.

Existing Phoenix Date Palms (*Phoenix canariensis*) are proposed for retention. These are assessed as High Retention Value species, and contrary to the listing of these species as Exempt Species, retention and protection is required for their safe useful life expectancy. The Phoenix Date Palms provide a significant landscape amenity to the property frontage and to the streetscape.

The proposed new walling on common boundary shall be subject to neighbour approval of height and materials that is exposed to the neighbour's property.

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**

#### **Updated Plans**

Updated plans shall be issued prior to Construction Certificate stage to the Certifying Authority, with the following items to be noted on the plans:

- i) the existing front boundary brick wall and fence shall be retained and protected. The existing concrete driveway and existing sandstone retaining wall within the road reserve shall be retained and protected. Material for fill over the existing driveway shall be noted on the plans to be "certified, clean, non-contaminated free draining Sydney sand",
- ii) tree protection fencing to the full frontage of the road reserve to enclose all three heritage listed Norfolk Island Pines shall be documented on the plan, complying to Australian Standard 4687-2007 Temporary Fencing and Hoardings, including 2.4m wide x 2.1m high fence panels, and weighted foot blocks, excluding the existing driveway. The existing driveway shall be utilised for all construction access into the site,
- iii) the tree protection fencing zone within the fencing shall be located at least 3m north of T1, and at least 3m south of T3, along the front boundary boundary, and to the edge of the bitumen road, and shall be noted on the plans to be excluded from any construction activity, including access into the zone, and storage of materials. Access in to the zone is restricted to qualified AQF Level 5 Arborists and Council officers,
- iv) the updated plans shall note that any works in the vicinity of existing trees identified in the Arboricultural Impact Assessment for retention shall be supervised and certified by a qualified AQF

Level 5 Arborist,

v) structural design details of the new wall construction shall be noted to be co-ordinated with a qualified AQF Level 5 Arborist, with emphasis on construction techniques to utilise bridging across and on top of the existing Phoenix Date Palm root ball bases, with footings positioned each side of the palm root ball, located well outside of the palms main congested adventitious root systems. The final location of footings is to be determined on site by an appointed Project Arborist where root investigations may be required to identify the appropriate span that can accommodate footings and the palms root ball,

vi) structural design details of the new wall construction in the vicinity of existing neighbouring palms 24 and 25 shall be noted on the updated plans as constructed on top of ground level, bridging over adventitious root systems as determined by the Project Arborist,

vii) structural design details of the new wall construction in the vicinity of existing neighbouring palms 26 and 30 shall be noted on the updated plans as constructed on top of or against the existing wall, primarily to ensure the anchorage of the palms located against the boundary is not disrupted by removing the existing wall,

viii) prior to the walls construction final engineered design palms are recommended to be reviewed and endorsed by the Project Arborist.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### Tree protection measures

Tree protection measures shall be initiated at the commencement of works in accordance with AS4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment and Tree Protection Plan prepared by RainTree Consulting dated 9 January 2020.

a) The Certifying Authority or 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, 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.

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

i) be in place before work commences on the site,  
ii) be maintained in good condition during the construction period,  
iii) remain in place for the duration of the construction works.

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.

Reason: to ensure tree protection is provided and maintained.

### Engagement of a Project Arborist

A qualified AQF Level 5 Arborist is to be engaged to monitor, supervise excavation within tree protection zone (TPZ) setbacks, advise and provide certification of protection works conducted, including any activities and works listed within these consent conditions.

The Project Arborist is to provide final certification outlining tree protection measures with photographic evidence of ongoing works retained for certification purposes (AS4970 S/5.5.2 Final certification).

The Project Arborist is to be familiar with protection measures specific to Australian Standard AS4970 'Protection of Trees on Development Sites' - 2009 requirements with any modification in Tree Protection Fencing (TPF) or Zones (TPZ) to be compliant with AS4970 Section 4.5 Other Tree

## Protection Measures.

### Tree removal within the property

The following trees of Low Retention Value located on the property and impacted by development are approved for removal based on the recommendations of the Arboricultural Impact Assessment prepared by RainTree Consulting:

Tree 12 - Port Jackson Fig

Tree 13 - Port Jackson Fig

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

### Project Arborist supervision and certification

Tree protection measures shall be undertaken in accordance with AS4970- 2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment and Tree Protection Plan prepared by RainTree Consulting dated 9 January 2020.

a) The following works as listed in the Arboricultural Impact Assessment and Tree Protection Plan shall be supervised and certified to the satisfaction of a qualified AQF Level 5 Arborist:

- i) section 1.3.1,
- ii) section 1.3.2,
- iii) section 1.3.4,
- iv) section 1.3.5,
- v) section 1.4.1,
- vi) section 2.2.1,
- vii) section 2.2.2.

b) Tree protection measures as documented in Appendix E: Tree Protection Plan and subject to any condition imposed within this consent as listed below shall be supervised and certified to the satisfaction of a qualified AQF Level 5 Arborist:

- i) trunk protection to the existing heritage listed Norfolk Island Pines T1, T2, and T3,
- ii) tree protection fencing around existing trees T1, T2, and T3 as documented on the updated plans as conditioned for Construction Certificate, ie. tree protection fencing zone within the fencing shall be located at least 3m north of T1, and at least 3m south of T3, along the front boundary boundary, and to the edge of the bitumen road,
- iii) installation of clean free draining sand fill to the areas nominated in Appendix E,
- iv) tree protection fencing around existing tree T19,
- v) trunk protection to existing tree T22,
- vi) certification of no filling to the rear yard.

Reason: to ensure tree protection is provided and maintained.

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

### 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 as referenced in the Arboricultural Impact Assessment prepared by RainTree Consulting, 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.