

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0657
<b>Date:</b>	08/06/2021
<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 30 DP 13686 , 888 Barrenjoey 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

This application is for the alterations and additions to an existing residential dwelling. Proposed works include the construction of a new double garage with landscaped terrace over, as well as new stair access and front terrace to the existing dwelling. In addition, a swimming pool is also proposed within the rear of the dwelling.

Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12.10 Landscaped Area - Environmentally Sensitive Land

A Landscape Plan is provided with the application and proposed works include the in-ground planting of trees, shrubs, perennials, grasses and groundcovers, as well as the on-slab planting of shrubs, grasses and groundcovers.

The Statement of Environmental Effects provided with the application notes that proposal will not require the removal of any significant vegetation. This statement is supported by the Architectural and Landscape Plans as all existing trees are noted as retained. Due to proposed works being located within close proximity of existing trees, an Arboricultural Impact Assessment has been provided with the application.

The Arboricultural Impact Assessment has identified a total of eleven individual trees, and one grouping of palms. It is noted that this grouping of palms, identified as Tree No. G1, as well as Trees No. 2 and 3 are located within the neighbouring property to the South. Tree No. 1 is located within the road reserve, with the remaining eight trees located within the site boundaries. It is also worth noting that no trees are proposed for removal as part of the Arboricultural Impact Assessment.

It is noted in the Arboricultural Impact Assessment that the proposed works are likely to encroach into

the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of Tree No. 1, a significant native tree located within the road reserve. The proposed works in this location largely include the removal of an existing portion of retaining wall and the demolition of the existing driveway. It should be noted that there are a number of existing retaining retaining walls located within the TPZ and SRZ of this tree which are proposed to be retained as part of the proposal. As this tree is already likely to exhibit root suppression as a result of these existing retaining walls, the proposed works are not likely to significantly impact this trees health, and is viable for retention as long as recommendations made by the Arborist are followed.

Trees No. 2 and 3 are located adjacent to the southern boundary towards the rear of the site however are located within the neighbouring property. the proposed works are expected to encroach into the TPZ by greater than 10% which is identified as a major encroachment in accordance with AS4970-2009. That being said, it is noted that an existing boundary wall is present and as a result is already likely to restrict root growth into the site. The proposed works in this area include a new retaining wall that is located within the same footprint of the existing boundary wall. For this reason, the proposed works are not likely to have any further impact on these trees health as no root damage or severance will be required. It is recommended that a Project Arborist be appointed to supervise all demolition and construction works within this area to ensure these trees are protected and retained in a healthy manner.

The final tree that is expected to be impacted by proposed works is the group of palms, identified as Tree No. G1, which are located adjacent to the southern boundary at the front of site within the neighbouring property. The Arboricultural Impact Assessment has identified proposed works are expected to encroach into the TPZ of these palms by a combined 13%. Similarly to Trees No. 2 and 3, a series of existing retaining walls are located within close proximity of these trees, and as a result are already likely to restrict root growth into the site. The proposal seeks to remove the existing wall located within the site, and replace it further away from the base of these trees. In conjunction with the existing boundary wall retained, the expected impacts of proposed works are not likely to significantly impact these trees as no root damage or severance will be required.

All remaining trees within the site are not likely to be significantly impacted by the proposed works, and therefore have been proposed for retention as part of the proposal. The retention of these trees, as well as those identified above, are vital to satisfy control B4.22, as key objectives of this control include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

Concern has been raised by the Biodiversity Team regarding the proposed plant species, specifically the low number of locally native plant species. As the site is located within the Pittwater Spotted Gum Forest Endangered Ecological Community, proposed landscape works are to utilise 80% locally native plant species as found in this Endangered Ecological Community. This is a requirement of control B4.7 as outlined in the Biodiversity Referral Response. The completion of landscape works as proposed on the Landscape Plans, inclusive of the required species changes, is necessary to comply with control C1.1 and D12.10, as key outcomes of these controls seek to ensure "landscaping reflects the scale and form of development" and that the proposed built form is softened and complemented by landscaping. In addition, these controls aim to ensure "landscaping retained and enhances Pittwater's biodiversity by using locally native plant species".

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the completion of landscape works as proposed on the Landscape Plans, inclusive of the required species changes to ensure 80% of proposed planting comprises of locally native species.

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**

**On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

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.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn
- ii) 600mm for shrubs

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

All tree protection measures specified must:

- a) be in place before work commences on the site, and

- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) 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.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

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

### **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.

### **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

### **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees and vegetation within the site not approved for removal, excluding exempt trees and 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 undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) 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,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- 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 during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) Section 8 - Conclusions,
- ii) Section 9 - Recommendations,
- iii) Section 10 - Arboricultural Work Method Statement and Tree Protection Requirements,
- iv) Section 11 - Hold Points,
- v) Appendix 1B - Proposed Site Plan.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and 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.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is

prohibited.

Reason: Tree and vegetation protection.

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

### **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plan, inclusive of the following conditions:

i) proposed planting is to comprise of at least 80% locally native plant species found within the Pittwater Spotted Gum Forest Endangered Ecological Community.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

### **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during 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.

Reason: Tree protection.

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

### **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

For all new on-slab works, a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.