

Landscape Referral Response

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| Application Number: | DA2021/2364 |
| Date: | 29/03/2022 |
| Responsible Officer: | Adam Mitchell |
| Land to be developed (Address): | Lot 17 DP 8595 , 121 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

Updated comments:

Amended Master Set Plans, Landscape Plans, and an Addendum to the Arboricultural Impact Assessment are submitted and address the concerns as raised by the previous Landscape Referral comments.

The Landscape Referral concerns regarding the previous proposal to remove existing tree 4 - Grey Ironbark is now resolved and the tree is confirmed to be able to be retained in the Arboricultural Addendum subject to the requirement that the cantilevered slab must be above the existing root systems to maintain minimal impact, and a condition shall be imposed for supervision of works by a Project Arborist.

The removal of a road reserve verge tree (tree 14 - Spotted Gum) was recommended and is still recommend as the tree is in poor health, and a street tree replacement is proposed and thus Council raise no concerns, subject to imposed conditions.

As recommended in the Arboricultural Impact Assessment, two existing trees are proposed for removal within the property, including tree 1 - Canary Island Palm, and tree 2 - Spotted Gum, impacted by the proposed development works.

A written consent letter from the owner of adjoining property at 119 Pacific Road is provided agreeing to remove T3 within property number 119, identified as an Exempt Species, and Council raise no issue to the agreed removal of the Canary Island Palm. A written consent letter from the owner of adjoining property at 123 Pacific Road is provided agreeing to remove T20 and T21 within property number 123, identified as Exempt Species, and Council raise no issue to the agreed removal of the Tuckeroo and Washingtonia Palm. No Council consent is required for removal.

No Landscape Referral concerns are raised for the proposed landscape works within the property boundaries subject to imposed conditions. Proposed landscape works indicated within the road reserve verge on the Landscape Plans are not permitted under this development application, and a Minor

Encroachment within the Road Reserve application to the relevant Council department is required to gain approval or otherwise for the works.

The response letter from the applicant noted that the landscape area has been revised to increase the soft landscaped area to 58% and as such landscaped areas shall be maintained for this purpose. The majority of the landscaped area is garden planting with a small area for turf. It is noted that this turf area within the frontage appears to be designed to assist with either a turning area for vehicles or as an area that can be used for vehicle parking. The turf area within the frontage shall be maintained as soft landscaping to ensure the landscape area under the development application, if approved, is continued. Conditions shall be imposed for ongoing maintenance to the area to ensure the retention of the soft landscape treatment.

Subject to conditions of consent, Landscape Referral raise no issues.

Previous comments:

The development application is for the demolition of existing structures and the construction of a new dwelling, garage, carport, swimming pool and cabana, and associated works within the property.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12 Palm Beach Locality

The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.

A Arboricultural Impact Assessment and Landscape Plans are submitted with the application.

The Arboricultural Impact Assessment includes the recommendation that should the proposed development footprint be approved, existing trees located within adjoining property (tree 3 - Canary Island Palm within property 119 Pacific Road, and trees 20 - Tuckeroo and 21 - Washingtonia Palm within the right of way for property 123 Pacific Road) are required to be removed and Landscape Referral do not support this without the following information:

- Firstly, it is noted that the three trees are all Exempt Species not requiring Council consent. However Council will require a written Owners Consent from neighbouring property owners to be submitted as part of this development application should the owners agree for removal, for Council records as removal of the existing trees is not within the development property,
- Secondly, owners shall be made aware that they are not obliged to grant consent and the applicant shall not represent to the owners that Council agrees with any such removal.

Should Owners Consent not be granted, a non-invasive root investigation assessment by a AQF level 5 arborist around the base of the subject trees shall be undertaken as noted in the Arboricultural Impact Assessment and provided to Council with recommended tree protection measures if the encroachments are possible without undermining the integrity and health of the trees.

Additional trees proposed for removal include: tree 1 (Canary Island Palm), tree 2 - Spotted Gum, and tree 4 - Grey Ironbark within the property, and tree 14 within the road reserve verge. Concern is raised that the proposed removal of existing tree 4 - Grey Ironbark, located within the front setback, is not consistent with the LEP objectives of the C4 zone and the DCP landscape controls of B4.22 and C1.1, and as the tree is assessed with a long safe useful life expectancy, design alternatives through footprint re-arrangement shall be considered to retain this tree, with a building setback from the tree to be

established by a AQF level 5 arborist to ensure manageable encroachment is determined. Council supports the comments in the Arboricultural Impact Assessment that this tree " is in good condition with good vigour, the tree has a form typical of its species, and the tree provides a fair contribution to the visual character of the local area."

The Landscape Plans submitted include landscape proposals to enhance the existing landscape setting. It is unknown through the documentation to what extent the proposal contains new landscape works within the public road reserve. Existing trees and vegetation are located in the road verge however should the landscape proposal be for new landscaping, then a Minor Encroachments application is required. Any approval of the landscape works is confined to the property boundaries. The Landscape Plans are able to be approved subject to conditions.

Landscape Referral are unable to continue the assessment until the following information is provided:

- Owners Consent for removal of existing trees within adjoining properties, or otherwise a sensitive tree root investigation to those trees if Owners Consent is not provided for preservation of the trees with recommended tree protection measures,

- Design alternative layout to preserve existing tree 4 - Grey Ironbark
- Adjusted and co-ordinated Landscape Plans

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 and groundcovers.

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, and the recommendations of the Arboricultural Impact Assessment and the Arboricultural Addendum.

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

- i) tree protection measures under Appendix F - Tree Protection Plan,
- ii) any arboricultural works required to protect all trees and vegetation within adjoining properties,
- iii) any arboricultural works required to protect existing tree 4 - Grey Ironbark, within the property, including supervision of the works to the cantilevered slab construction to ensure that the existing root systems are not impacted.

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

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.

Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment and updated Arboricultural Addendum):

- i) tree 1 - Canary Island Palm,
- ii) tree 2 - Spotted Gum, subject to tree replacement,
- iii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised development works.

Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 14 - Spotted Gum, subject to tree replacement,
- ii) a qualified AQF level 5 Arborist shall identify this tree and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

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 Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should 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 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.

All street trees within the road verge 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.

No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

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: Street 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, as shown on the Landscape Plans, the Arboricultural Impact Assessment and the updated Arboricultural Addendum (that includes the retention of tree number 4 - Grey Ironbark),
- ii) all trees and vegetation located on adjoining properties, excluding existing trees identified as tree numbers 3, 20 and 21 the subject of an owners agreement,
- iii) all road reserve trees and vegetation not approved for removal.

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) or vi) 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 and the Arboricultural Addendum.

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.

Reason: Tree and vegetation protection.

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

Street Tree Planting

One (1) *Corymbia maculata* (Spotted Gum) shall be planted within the road reserve verge, planted at a minimum container size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four

post and top and mid rail timber tree guard and watered until established, and shall be located at least 3 metres from other trees where possible and generally centralised within the road verge.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- i) approved landscape works are limited to the property boundaries,
- ii) retention of all existing trees as shown on the Landscape Plans, the Arboricultural Impact Assessment and the updated Arboricultural Addendum,
- iii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- vi) the turf area within the frontage shall be maintained as soft landscaping, and ongoing maintenance including irrigation shall be provided,
- vii) all new landscaping should be implemented in accordance with the Asset Protection Zone (APZ) requirements as specified within Appendix 4 of Planning for Bushfire Protection 2019, where applicable.

Note:

Proposed landscape works indicated within the road reserve verge on the Landscape Plans are not permitted under this development application, and a Minor Encroachment within the Road Reserve application to the relevant Council department is required to proceed, to gain approval or otherwise for the works.

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:

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

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

Reason: To maintain local environmental amenity.