

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0669
<b>Date:</b>	01/07/2021
<b>Responsible Officer:</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 7005 DP 1117451 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 DP 1117592 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 298 DP 721522 , 1191 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

The development application is for the demolition and reconstruction of the existing premises known as the Boathouse Palm Beach.

Council's Landscape Referral is assessed against the adopted Plan of Management for Governor Phillip Park, the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP Controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping

The development application includes a Landscape Plan for areas to the east of the Boathouse premises that are proposed to remain in public use. It is noted that the existing landscape setting of this area has been significantly altered such that it appears as land that is occupied and managed by the Boathouse, with elements such as signage, enclosed landscaped areas, and furniture styled to match the interiors of the Boathouse but located within the public domain. To any visitor it is obvious that the existing arrangement is perceived to be that the area is part of the Boathouse, and any visitor may feel uncomfortable in utilising the area for recreational activities such as a picnic or sitting.

The landscape works as shown on the proposed Landscape Plan removes much of the landscape elements typically installed to style the landscape open space to match the theme of the Boathouse, whilst retaining some elements. Concern is raised in regard to the planting scheme that simply is replacing the existing exotic planting with native planting that includes planting able to achieve a screening height to re-establish enclosure of open space areas to appear to be part of the Boathouse. The proposal does not refer to the intent of the existing signage (x 2) placed at the junction of the roadway and the Boathouse lease alignment, and removal of the signage to the building face would better represent that the open space area within the Reserve belongs to the public and is useable by

the public, without fear of encroaching.

The planting scheme is recommended to be of a low height to allow for clear visual interpretation and connection of the open space area with the public to enable unhesitating use, and the proposed tall shrubs (*Leptospermum*) and small trees (*Banksia*) along the roadway should be removed from the scheme, and conditions of consent shall be imposed requiring an Amended Landscape Plan to be approved at Construction Certificate stage, should the development application be approved.

Foreshore native planting for dune stabilisation is included in the Landscape Plan and is supported. If the development is approved, the biodiversity management and mitigation measures as recommended in the Ecological Assessment and Biodiversity Management Plan shall be implemented in association with the proposed landscape works that will assist in mitigating the erosion to the foreshore north of the existing building / boat ramp and north of the existing unmarked car parking spaces.

An Arboricultural Impact Assessment is provided with the application and includes specific tree protection measures to preserve the existing three (3) Norfolk Island Pines within the current Boathouse lease area, including tree protection fencing, removal of non-porous surfaces in the structural root zone of the trees and planting of native species with non-invasive roots. All three appear to be vigorous with no apparent setbacks or decline in crown cover and branch structure, and based on the relatively medium to long Useful Life Expectancy and high visual prominence and cultural landscape significance of each tree, each is accorded a high retention value and shall be protected and preserved.

The Arboricultural Impact Assessment concludes that provided the recommendations of the report are adopted, adverse impacts on tree vigour and structural condition of the Norfolk Island Pines will not decline as a result of the development proposal, and subject to adherence to the strict tree protection guidelines and protocols as recommended to ensure disturbance to the trees is avoided or minimised. As recommended in the report an experienced and qualified arboriculturist is to be engaged should the development application be approved, with acceptance from the developer and builder that a high level of supervisory and advisory input is maintained during all stages of the development, including the demolition of existing pavers and structures, excavations and construction.

The recommendations of the Arboricultural Impact Assessment can be supported subject to conditions of consent.

Landscape Referral, subject to conditions of consent for an Amended Landscape Plan, raise no objections to the proposed landscape works.

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 Plan**

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) remove the nominated tree / tall shrub planting (*Banksia integrifolia* and *Leptospermum laevigatum*) under the existing Norfolk Island Pines, and replace with either low shrubs capable of attaining a maximum of 1 metre only or otherwise groundcovers,

- ii) all planting within the open space area occupied by the Norfolk Island Pines shall be limited to a natural growth height of 1 metres,
- iii) all landscape works and dune stabilisation works shall comply with the Amended Landscape Plan and the Biodiversity Management Plan.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity and maintain visual public access across open space areas.

## **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:

- section 3.4 Analysis of Proposed Works within the Tree Protection Zones, 3.4.1 Tree 1, 3.4.2 Tree 2, and 3.4.3 Tree 3,
- section 3.5 Landscaping Works within the Tree Protection Zones,
- section 5 Recommendations,
- section 5.1 Tree Protection,
- section 5.1.1 Minimising Impacts on Trees 1-3,
- section 5.1.2 General Tree Protection Recommendations,
- section 5.1.3 Breaking up and/or removal of bitumen surfaces in Tree Protection Zone,
- section 5.1.4 Breaking up and/or removal of concrete surfaces in Tree Protection Zone,
- section 5.2 Post Construction Tree Care,
- Appendix E - Tree Protection Plan.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) listed above 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.

Reason: Norfolk Island Pines tree protection.

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

### **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees and vegetation within the site (licenced area),

- ii) all trees and vegetation located on adjoining open space areas within Governor Phillip Park,
- 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) 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.

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 Amended Landscape Plan.

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 Norfolk Island Pines - 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 Norfolk Island Pines 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 Norfolk Island Pines.

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.

If any planting required 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 Amended Landscape Plan and any conditions of consent.

A Landscape Maintenance schedule shall become an operational requirement under any licence within the licence area and the landscape works shall be maintained at regular intervals.

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

Reason: To maintain local environmental amenity.