

Landscape Referral Response

Application Number:	DA2019/0231
Date:	03/05/2019
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	<p>Lot 328 DP 16362 , 348 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 329 DP 16362 , 350 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 330 DP 16362 , 352 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 327 DP 16362 , 346 Whale Beach Road PALM BEACH NSW 2108</p>

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 proposal, in terms of landscape outcome, is acceptable subject to the protection of existing trees and vegetation, and the completion of landscaping.

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

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

C1.3 View Sharing

D12 Palm Beach Locality

Landscape Plans and an Arboricultural Impact Assessment are provided with the application.

The landscape plans are acceptable subject to conditions to amend the plans to incorporate the retention of two High landscape significance trees as identified in the Arboricultural Impact Assessment.

The Arboricultural Impact Assessment assesses T25 (Turpentine) and T31 (Large-fruited Red Mahogany) both of high landscape significance, with a high retention value, that are worthy of retention and are in good condition and provide a positive amenity.

It is noted in the Arboricultural Impact Assessment that T31 will be impacted by excavation for basement without providing verifying distances of the tree to the basement. Based on approximate calculations from the survey and architectural plans, it is estimated that T31 sits 3.2m from the basement cut. The SRZ (structural root zone) is reported as 2.3m in the Arboricultural Impact

Assessment.

It is considered that these trees should be retained, with design changes to proposed walling, stairs and pavements to facilitate such retention, as conditioned.

Referral Body Recommendation

Recommended for approval, subject to conditions

Refusal comments

Recommended Landscape Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

On slab landscape planting and associated works

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate, i) indicating the proposed method of waterproofing to the concrete slabs and planters to which soil and planting is being provided, ii) indicating soil type, plant species, irrigation, services connection, maintenance activity schedule and soil depth compliant with iii) below: iii) the following minimum soil depths are required to be provided:
-300mm for lawn and groundcovers
-600mm for shrubs
-1 metre for trees
iv) certification shall be provided by a structural engineer that the roof garden planter is designed structurally to support the 'wet' weight of landscaping (materials, soil and established planting).

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas.

Arboricultural investigation of T31 and T25

A Project Arborist with AQZ Level 5 qualification in horticulture is to be appointed to undertake subsurface root investigations to provide a definitive recommendation on the suitability to retain existing tree T31 (Large-fruited Red Mahogany). It is considered that the current design layout should be altered to accommodate the retention of this tree, and the Project Arborist shall provide recommendations on design alterations to allow for retention, including relocation of walling, stairs and pavements. The findings are to be detailed and submitted to the Certifying Authority and shall be implemented should the Project Arborist determine that retention is feasible.

Contrary findings to suggest that tree 31 will not be suited to be retained shall be detailed and submitted to the Certifying Authority, including photographic evidence of investigation trenches and the like.

Existing T25 (Turpentine) is considered suitable for retention with amendment to the design layout of walling, stairs and pavements. The Project Arborist shall provide details to the Certifying Authority recommending required amendments to the design layout for implementation.

Reason: to justify the reason for removal of a high retention value trees.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with AQZ Level 5 qualification in horticulture is to be appointed to supervise and certify tree protection measures for the following existing trees in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated February 2019, as listed under section 9 - Recommended Tree Protection Measures:

- Tree 25 (Turpentine): requiring supervision of altered design layout,
- Tree 26 (Turpentine): including site attendance during excavation and construction works,
- Tree 27 (Sydney Blue Gum): including site attendance during excavation and construction works, and to ensure protection of rock outcrop,
- Tree 28 (Bastard Mahogany): including site attendance during excavation and construction works, and
- Tree 31 (Large-fruited Red Mahogany): subject to Construction Certificate assessment as conditioned. Should recommendations result in retention, the Project Arborist shall attend site during excavation and construction works.

Additionally, the Project Arborist is to recommend tree protection measures such as tree fencing, trunk protection and ground protection, and supervise all excavation and construction works near all trees, including recommending the construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Reason: to ensure the protection of the existing landscape amenity.

Tree removal

In consideration of the assessment of tree health and condition, the following existing trees are approved for removal, based on the recommendations of the Arboricultural Impact Assessment report prepared by Earthscape Horticultural Services dated February 2019:

- existing trees identified as T16, T21a, T29, T29a, T29b, T31a, T32, T33, T34, T34a, T34b, T34c, T34b, T34c, T35, T36, T37, and T38 located within the site, and
- existing trees identified as T23 (dead), T24a (environmental weed species), T61 and T62 (both to be removed for proposed driveway), located with the road reserve.

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 follows:

i) all trees and vegetation within the site as identified within the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated February 2019:

- (T3, T4, T4a, T5, T8, T9, T10, T12, T13, T14, T15, T17, T18, T26, T27, T28, T30, T40, T45, T55, T56, and T57) and including the following trees proposed for removal and subject to review for retention: T25 and T31), excluding exempt trees under the relevant planning instruments or legislation,

ii) all trees and vegetation located on adjoining properties, and particularly:

- T1, T2a, T19, T19a, T20, T20a, and T58,

iii) all road reserve trees and vegetation, including:

- T6, T7, T9a, T11a, T11b, T21, T22, T24, T24a, T43, T58a, T59, and T60.

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, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated February 2019, as listed in section 9. Recommended Tree Protection Measures,

ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,

iii) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,

iv) 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,

v) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a Project Arborist on site,

vi) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

vii) excavation for stormwater lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, to provide for root protection measures,

viii) should either or all of v), vi) and vii) occur during site establishment and construction works, a AQF 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,

ix) 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,

x) 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.

Reason: to retain and protect significant planting on development and adjoining sites.

Protection of rock and sites of significance

All rock outcrops and ledges 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.

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

Landscape works

Landscaping is to be implemented in accordance with the Landscape Plans DA01-1418 (issue E), DA02-1418 (issue E), DA03-1418 (issue E), DA04-1418 (issue E), and DA05-1418 (issue E), prepared by Dangar Barin Smith, including the following requirements:

- i) the existing ground levels around existing trees to be retained unless authorised and certified by the Project Arborist,
- ii) the proposed tree planting shall be located at least 3 metres from building structures where pier and beam construction is used or 5 metres where ground strip footing are used, and shall be planted at the nominated pot sizes on the landscape plans, and planted in areas providing at least 3m x 3m of available soil area,
- iii) the proposed tree planting shall be located within the site to achieve a reasonable sharing of views available to adjoining properties,

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 landscape plans and the conditions of consent.

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

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- i) Compliance to 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, and protect the existing amenity.

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

All landscape components are to be maintained for the life of the development. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme of the site.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

Environmental and priority weed control

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

Reason: preservation of environmental amenity.